



MICHIGAN SUPREME COURT
STATE COURT ADMINISTRATIVE OFFICE

Judicial Resources Recommendations

October 2005

I. INTRODUCTION

The State Court Administrative Office (SCAO) has completed its biennial review of the judicial needs of trial courts. The Judiciary is responsible for making recommendations to the Legislature regarding changes in the number of judges (Const 1963, art. 6, §11).

The following recommendations are based on a statistical analysis of the weighted caseload of trial courts and an extended analysis of additional factors affecting the workload of trial courts, such as the types of cases processed, demographic trends, and the availability of other resources.

II. METHODOLOGY

The estimation of judicial workload and a community's need for judges is a complex and multidimensional process. Most states, including Michigan, consider both quantitative and qualitative factors in determining the need for judgeships.

The process in Michigan involves two stages. The first stage utilizes a quantitative method, specifically a weighted caseload formula, to estimate the judicial need in each court. As a general rule, courts with an estimated need of one additional judge or an estimated excess of one judge, were included in the second stage. The second stage involves an extended analysis of quantitative and qualitative factors. This analysis is tailored to each court and results in the development of the final recommendation.

Weighted Caseload Formula: The preliminary quantitative method for identifying a potential need for a change in the number of judgeships is the weighted caseload formula. Weighted caseload is an approach that attributes a "weight" to different case types to account for varying degrees of judicial effort required for distinct case types. That weight, when applied to new case filings, yields an estimate of the judicial time required to process a caseload. The total judicial time required to process the caseload is then divided by a factor that represents the amount of time available in a judicial year to arrive at the approximate number of judgeships required to process that caseload. This report was based on the most recent available case filings: 2002, 2003, and 2004.

Because the weighted caseload provides a means for distinguishing the varying degrees of effort involved in handling different case types, it provides a significant advantage over the use of unweighted total case filings. The proportions of different caseload types may vary significantly from court type to court type,¹ and from court to court.² Weighting the cases allows for a more precise means of estimating judicial workload when such caseload variations exist. The National Center for State Courts recommends a weighted caseload methodology above all others, including a simple population analysis.

Approximately one-half of the states use a weighted caseload methodology. There are different approaches to developing the weights used in the weighted caseload formulae. Some have been

¹ For example, a significant portion of district court caseload consists of traffic cases, making the total number of cases processed in district courts significantly higher than either circuit or probate courts.

² For example, one court may be in a community where fewer highways exist, leading to relatively fewer traffic cases. While that court may have substantially fewer traffic cases, it may have a higher proportion of civil cases, or misdemeanor cases, which typically require more judicial time than traffic cases.

developed by an expert “Delphi” approach. This approach uses a panel of experts (typically experienced trial judges or others with experience in caseload processing) to estimate the average time required to process different types of cases. The other common approach is to measure actual time spent by all judges or a group of judges over a period of time to process cases or the events that are included in the processing of a case. In some cases, weights are developed using a combination of approaches.

In Michigan, the weighted caseload formula was first developed by the Trial Court Assessment Commission (TCAC), which the Legislature created in 1996. The TCAC conducted a time study for a two-month period during 1997 to measure the actual time spent by judges in selected jurisdictions. The results were published in 1998.³ The TCAC contracted with the National Center for State Courts for assistance in developing the weighted caseload formula.⁴

In 2000, because of the implementation of the family division and changes in the jurisdiction of circuit and district courts since the development of the weighted caseload formula, the Michigan Supreme Court directed the SCAO to update the weighted caseload formula through a new study of the time required to process case types.⁵ After making some changes in the time study, the SCAO conducted a new time study in September and October of 2000. The data collected from the courts participating in the 2000 study were used to update the weighted caseload formula.

To ensure that short-term, year-to-year variations in new case filings do not unduly affect judicial resource need estimates, caseload data reported by trial courts from the preceding three years (2002, 2003, and 2004) were used for estimating judicial resource needs for this report. The use of three years assures that a temporary fluctuation in the caseload for a single year is not given undue weight in the analysis of long-term judicial resource needs.

An additional refinement was implemented during the judicial resource analysis four years ago to account for the demonstrated economy of scale that occurs with the increase in the size of a court. Review of judicial time required to process cases in Michigan courts shows that it typically takes more judicial resources in smaller courts to process cases than in larger courts. This reflects the economies of scale that can often be achieved through the availability of a larger pool of judges to assist one another in the processing of cases and the availability of more specialized staff assistance.⁶ To account for variations in the judicial time required for processing cases based on the relative size of courts, the weighted caseload formula was adjusted across courts based on the relative size of the courts. Thus, larger courts were attributed a smaller relative case weight, yielding a need for relatively fewer judicial resources.

³ Michigan Trial Court Assessment Commission: Recommendations, 1998.

⁴ The National Center for State Courts, based in Williamsburg, Virginia, is a non-profit organization dedicated to supporting the nation’s state courts through research and technical assistance.

⁵ Since the original time study, the family division has been more fully implemented in circuit and probate courts, changes were made in the jurisdictional limits of circuit and district civil cases, and some felonies were changed to misdemeanors.

⁶ For example, larger courts can employ a pool of law clerks, or perhaps a magistrate and other assistants. Moreover, a larger professional administrative staff will be available to assist with case processing duties that are otherwise handled by a judge.

Extended Analysis: As indicated, the estimation of judicial need is a complicated and multi-faceted process. The TCAC indicated that before recommendations are made for the increase or reduction of judgeships, an extended analysis should be conducted by the SCAO of other factors affecting workload. In this study, after preliminary identification of courts that show a need for additional judgeships or fewer judgeships using the weighted caseload formula, an extended analysis was conducted of other factors affecting workload, such as caseload filing trends and other caseload data, demographic factors, and resource factors.

As a general rule, courts that statistically displayed a need for at least one additional judge or an excess of at least one judge using the three-year adjusted weighted caseload measure were selected for review. Courts scheduled to switch from a part-time probate judge to a full-time probate judge with district court jurisdiction in 2007 were excluded from the extended analysis. In previous analyses, courts needed to exceed a threshold of +/- 1.50. The threshold was reduced to allow the SCAO to review more courts during the extended analysis. However, the inclusion in the extended analysis does not necessarily result in a recommended change in judgeships.

Resource recommendations are made only after an *extended analysis* is conducted.

The extended analysis involves the review of additional quantitative information and qualitative information, such as: the makeup of the caseload, caseload trends, prosecutor and law enforcement practices, staffing levels, facilities, technological resources, the need for assignments to or from other jurisdictions, demographics and demographic trends, and local legal culture.

Because the operation of the family division of the circuit court requires many probate judges to perform judicial service in the circuit court, the judicial need in circuit and probate courts are examined concurrently. Specific recommendations for the circuit or probate bench are made where a permanent change in the number of judges is indicated.

Factors considered in the extended analysis include:

Case related

- Caseload mix and case types
- Case counting methodology
- Docket backlog
- Prosecutor and law enforcement practices, charging practices affecting case count, pleas, and trials
- Caseload variations/trends

Resources

- Staffing levels: availability of judicial officers, case-processing staff, and law clerks
- Assignments into or out of the court
- Facilities
- Technological resources: computer systems, networking, video arraignments

Environmental

- Demographics
- Local legal culture
- Judicial philosophy

III. SUMMARY OF RECOMMENDATIONS

The following courts were included in the extended analysis. Most of the courts were included because the initial analysis indicated that either there were too many judges or not enough judges in the circuit and probate court or the district court.

2005 JUDICIAL RESOURCES RECOMMENDATIONS		
Court	Net Judicial Need (+) or Excess (-)	Final Recommendation
C03 and Wayne County Probate	-2.88	Eliminate one probate judgeship by attrition.
C06 and Oakland County Probate	+3.17	Add one circuit judgeship and upon retirement of a probate judge on January 1, 2009, eliminate one probate judgeship and add one circuit judgeship.
C07 and Genesee County Probate	+1.73	Add one circuit judgeship.
C08, Ionia County Probate, and Montcalm County Probate	+1.05	No change in judgeships.
C16 and Macomb County Probate	+2.75	Add one circuit judgeship.
C17 and Kent County Probate	+2.54	Add one circuit judgeship.
C25 and Marquette County Probate	-1.57	No change in judgeships.
C32, Gogebic County Probate, and Ontonagon County Probate	-1.49	No change in judgeships.
C41, Dickinson County Probate, Iron County Probate, and Menominee County Probate	-1.66	Eliminate one circuit judgeship by attrition.
C49 and Probate District 18 of Mecosta County and Osceola County	+1.11	Add one circuit judgeship.
C55 and Probate District 17 of Clare County and Gladwin County	+1.38	Add one circuit judgeship.
D08 – Kalamazoo County	-1.64	No change in judgeships.
D36 – City of Detroit	+1.64	No change in judgeships.
D50 – City of Pontiac	-1.05	No change in judgeships.
D52 – Oakland County	-2.42	No change in judgeships.
D54A – City of Lansing	-1.17	No change in judgeships.
D67 – Genesee County	-1.20	No change in judgeships.
D68 – City of Flint	-1.37	Eliminate one district judgeship by attrition.
D70 – Saginaw County	-2.11	Eliminate one district judgeship by attrition.

IV. LEGISLATIVE PROCESS

Timetable: The creation of a new trial court judgeship is a two-step process requiring statutory authorization by the state Legislature and approval by the local governments that fund the court. Under the present statutory deadlines⁷ for changes in the number of judgeships recommended to take effect January 1, 2007, local resolutions of approval must be filed by 4:00 p.m. on April 18, 2006.

Significant dates concerning new judgeships commencing January 1, 2007, are as follows:

Incumbency filing deadline	5:00 p.m., March 27, 2006
Local resolution deadline for 2007 new judgeships	4:00 p.m., April 18, 2006
Non-incumbent filing deadline.....	4:00 p.m., May 2, 2006
Primary election	August 8, 2006
General election.....	November 7, 2006
Judge Takes Office	January 1, 2007

Local Authorization: The statutes provide that an additional judgeship shall not be authorized to be filled by election unless a resolution approving the creation of the judgeship is approved by the local funding unit. The resolution must be filed with the State Court Administrator.⁸

Filing Deadlines: Nonincumbent candidates for trial court judgeships or the Court of Appeals must file nominating petitions with the Secretary of State by 4:00 p.m. of the fourteenth Tuesday preceding the primary election (May 2, 2006). Incumbents must file their affidavits of incumbency on or before 134 days before the primary election (March 27, 2006).⁹

V. COST OF ADDING A JUDGESHIP

The current method of trial court funding in Michigan requires counties and local municipalities to appropriate the significant share of the cost of trial court operations. The state pays the costs of judges' salaries.

State Cost: The state portion of the cost of new judgeships includes state base pay ranging from \$92,548 for District Judges to \$94,195 for Circuit and Probate Judges.¹⁰ In addition, the state provides reimbursement (standardization) payments to funding units in the amount of \$45,724 to offset the cost of judges' local pay. The state is responsible for the employer's share of FICA taxes (OASI and Medicare) and contributions for retirement.¹¹ On average, a judge is reimbursed

⁷ All deadlines are set by statute and are subject to adjustment by the Legislature.

⁸ MCL 600.550 (Circuit Courts), MCL 600.805 (Probate Courts), MCL 600.8175 (District Courts).

⁹ MCL 168.413, MCL 168.413a (Circuit Courts); MCL 168.433, MCL 168.433a (Probate Courts); MCL 168.467b, MCL 168.467c (District Courts).

¹⁰ MCL 600.555 (Circuit Judges); MCL 600.821 and MCL 600.822 (Probate Judges); MCL 600.8202 (District Judges).

¹¹ New judges are enrolled in the defined contribution plan. The estimate assumes the highest state contribution plan.

approximately \$200 a year for travel to hold court in a county other than the county of his or her residence.¹² FICA and travel were adjusted from the 2003 Judicial Resources Recommendations report to reflect current costs per judge.

The following table gives a breakdown of annual costs to the state per judge:

Court Type	Salary	Reimbursement (Standardization) Payment	FICA	Travel Reimbursement	Retirement Contribution	Total State Costs
Circuit	94,195.00	45,724.00	7,608.83	200.00	9,794.33	157,522.16
Probate	94,195.00	45,724.00	7,608.83	200.00	9,794.33	157,522.16
District	92,548.00	45,724.00	7,584.94	200.00	9,679.04	155,735.98

Local Costs: Significant local costs are associated with the addition of a judgeship. Local costs for the addition of a trial court judgeship may be higher than state costs, both in terms of “one-time” costs and ongoing, annual costs. It is difficult to provide a set cost per judge. Personnel costs are a significant portion of trial court operational costs. Variation in salary rates, and staffing levels, result in substantial differences in annual support costs from location to location.

VI. REVIEW OF COURTS INCLUDED IN THE EXTENDED ANALYSIS

The SCAO conducted an extended review of nineteen courts. Summaries of these reviews are provided on the following pages.

¹² MCL 600.555(6) (Circuit Judges); MCL 600.828 (Probate Judges); MCL 600.8202(6) (District Judges).

**3rd Circuit Court – Wayne County
Wayne County Probate Court**

SUMMARY AND RECOMMENDATIONS:

We recommend the reduction through attrition of one judgeship in the Wayne County Probate Court.

In 2001, the SCAO recommended the elimination of two circuit judgeships. Legislation was enacted to eliminate one circuit judgeship in 2003, two circuit judgeships in 2005, and one probate judgeship in 2005. In 2003, the SCAO recommended the retention of one circuit judgeship scheduled to be eliminated in 2005 and the elimination of one probate judgeship in 2007. The legislature chose not to enact those changes.

The adjusted weighted caseload results indicate a combined excess of 2.88 judges for both courts. In addition, the case filings have declined and the population has declined. The 3rd Circuit Court is currently served by 61 judges. The adjusted weighted caseload results indicate a need for 59.30 judges, 1.70 fewer judges than present. The Wayne County Probate Court is currently served by eight judges. The adjusted weighted caseload results indicate a need for 6.82 judges, 1.18 judges fewer judges than present.

Two of the eight probate judges are currently handling family division cases for the 3rd Circuit Court. Between 2000 and 2004, circuit case filings decreased by 1.9 percent, but probate court filings decreased by 18.7 percent. The reduction in probate case filings and assignment of probate judges to circuit court support the recommendation to eliminate a probate judgeship instead of a circuit judgeship.

The population of Wayne County decreased by 2.4 percent between 1990 and 2000, from 2,111,687 to 2,061,162. From 2000 to 2005, the estimated population decreased by an additional 2.7 percent. It is expected that this decline will continue.

The following table provides additional information on the workload estimates for all courts within the 3rd Circuit.

Judicial Workload Estimates for all Courts Within the 3rd Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
District Courts	68.28	67.00	+1.28
C03 and Wayne County Probate Court	66.12	69.00	-2.88
Total Judicial Resources	134.40	136.00	-1.60

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

In 2004, the 3rd Circuit Court received 1.9 percent fewer new filings than it did in 2000. Statewide new filings in circuit court decreased by 5.3 percent. For that same time period, new

filings in probate court decreased by 18.7 percent, while statewide probate courts experienced a reduction of 8.5 percent.

Criminal appeals, agency appeals, other appeals, divorce, paternity, UIFSA, other civil, domestic protective orders, nonauto damage suits, criminal capital, juvenile traffic, child protective, adoption, and name change filings all decreased between 2000 and 2004. Conversely, civil appeals, support, other domestic, nondomestic protective orders, general civil, auto negligence, criminal noncapital, juvenile delinquency/designated, parental waiver, infectious disease, and juvenile protective orders all increased between 2000 and 2004.

The 3rd Circuit Court handles special litigation cases such as asbestos, gel implants and other cases that require specialized case management techniques and attention. The court conducts pretrial activities for mass tort litigation filed in other courts.

Within probate court, supervised estates, small estates, guardianships, conservatorships, civil actions, judicial admissions and mental commitments, and miscellaneous probate cases decreased between 2000 and 2004. Unsupervised estates and trusts, on the other hand, increased.

The following tables give a more complete description of caseload trends in the 3rd Circuit Court and Wayne County Probate Court.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C03	State
Criminal Appeals	114	108	110	133	91	-20.2%	-15.1%
Civil Appeals	249	264	306	279	277	11.2%	11.4%
Agency Appeals	839	591	483	403	347	-58.6%	-45.3%
Other Appeals	113	88	119	106	67	-40.7%	-18.3%
Divorce Without Children	4,644	4,706	4,603	4,107	3,897	-16.1%	-7.8%
Divorce With Children	4,828	4,647	4,445	4,041	3,993	-17.3%	-14.6%
Paternity	9,983	8,634	7,275	3,987	8,200	-17.9%	-20.4%
UIFSA	1,076	872	601	428	909	-15.5%	0.8%
Support	3,501	6,773	5,076	4,039	6,913	97.5%	22.6%
Other Domestic	845	914	1,224	949	1,090	29.0%	-5.5%
Other Civil	1,518	1,491	522	501	565	-62.8%	-35.8%
Personal Protection Order Stalking	4,208	4,663	4,824	4,520	4,488	6.7%	-0.8%
Personal Protection Order Domestic	10,233	10,954	10,819	9,330	8,648	-15.5%	-12.6%
General Civil	5,488	7,574	9,445	9,303	7,533	37.3%	21.5%
Auto Negligence	3,972	4,115	4,067	4,245	4,022	1.3%	0.6%
Nonauto Damage Suits	4,266	4,436	3,921	3,561	3,883	-9.0%	-24.9%
Criminal Capital	1,405	1,601	1,140	1,320	1,167	-16.9%	-3.0%
Criminal Noncapital	13,658	14,220	15,370	14,762	14,386	5.3%	11.3%
Juvenile Delinquency and Designated	7,367	9,768	9,244	9,757	9,709	31.8%	-8.0%
Juvenile Traffic	8,835	8,276	9,104	10,414	8,294	-6.1%	-22.8%
Child Protective	6,491	6,255	3,418	3,512	3,215	-50.5%	-13.5%
Adoption Related	1,434	1,280	1,211	1,143	1,139	-20.6%	-6.2%
Name Change	635	646	704	642	574	-9.6%	-11.9%
Waiver of Parental Consent	244	248	230	241	279	14.3%	-8.6%
Emancipation of Minor	2	2	1	6	2	0.0%	-29.2%
Infectious Disease	2	4	5	3	5	150.0%	150.0%
Personal Protection Order Juvenile	15	471	450	430	473	3053.3%	53.3%
Total	95,965	103,601	98,717	92,162	94,166	-1.9%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Wayne	State
Supervised Estates	1,030	196	215	239	215	-79.1%	-71.7%
Unsupervised Estates	3,770	4,752	4,652	4,520	4,320	14.6%	7.7%
Small Estates/Assignment of Property	1,738	1,634	1,451	1,461	1,331	-23.4%	-9.8%
Trusts	121	145	141	118	136	12.4%	20.1%
Guardians	5,744	5,695	5,700	5,413	5,543	-3.5%	-10.1%
Conservators	2,100	1,894	1,821	1,668	1,520	-27.6%	-27.3%
Civil Actions	83	104	107	78	68	-18.1%	20.9%
Admissions and Commitments	5,465	5,586	3,737	3,393	3,244	-40.6%	-6.0%
Miscellaneous	183	207	100	79	77	-57.9%	-17.7%
Total	20,234	20,213	17,924	16,969	16,454	-18.7%	-8.5%

RESOURCE FACTORS:

The judges of the 3rd Circuit Court handle their caseload with considerably less assistance and support than other circuits, with an average of ten fewer support personnel per judge. The staff at the 3rd Circuit are managing an additional 20 cases per full-time equivalent employee compared to other large courts. Budget constraints continue to limit the staffing of the court.

The circuit court operates out of four facilities: the Coleman A. Young Municipal Center is used for civil cases, Lincoln Hall of Justice for juvenile cases, and Frank Murphy Hall of Justice for criminal cases. Additionally, the Friend of the Court and domestic relations referees work in the Penobscot Building. A courtroom facility at the Juvenile Detention Center is also used by judges and referees. A strongly supported proposal to build a new court “campus” is being discussed, which would dramatically change the operations of this court.

The 3rd Circuit is currently undergoing a conversion to a new computer system.

ENVIRONMENTAL FACTORS:

The population of Wayne County has continued to decline. The population of Wayne County decreased by 2.4 percent between 1990 and 2000, from 2,111,687 to 2,061,162. From 2000 to 2004, the estimated population decreased by 2.2 percent, to 2,016,202. With over two million people, however, it is almost twice the size of the next largest county in Michigan. The residents move frequently, leave no forwarding address and often have no telephone. The inability to contact these individuals for scheduled court proceedings impacts almost every event in the life of a case. The courts conduct a large number of additional hearings because people cannot be located or do not understand the orders of the court.

Wayne County continues to conduct far more jury and bench trials than the rest of the state combined. Trials are time intensive and require far more judicial involvement than other case events.

CONCLUSION:

We recommend the reduction through attrition of one judgeship in the Wayne County Probate Court. The adjusted weighted caseload results indicate an excess of 2.88 judges for both courts. In addition, the case filings have declined and the population has declined. Due to the reduction in probate case filings and the assignment of probate judges to circuit court, our recommendation is to eliminate a probate judgeship.

**6th Circuit Court – Oakland County
Oakland County Probate Court**

SUMMARY AND RECOMMENDATIONS:

We recommend an increase of one circuit judgeship for the 6th Circuit Court, effective January 1, 2007. Further, we recommend the elimination of one probate judgeship upon the conclusion of Judge Barry Grant's term on January 1, 2009, and a corresponding increase of one circuit judgeship on that date. We recognize the continued need for an additional judge beyond this recommendation and will revisit that issue in the next judicial resource recommendation cycle.

Currently, the 6th Circuit Court has 19 judgeships and the Oakland County Probate Court has four judgeships. The adjusted weighted caseload results indicate a combined need of 3.17 judges for both courts. The circuit court is in need of 4.43 judgeships and the probate court has an excess of 1.26 judgeships. In most counties, probate judges handle portions of the circuit court caseload.

The 6th Circuit Court and Oakland County Probate Court serve all of Oakland County, the second largest county in Michigan. From 1990 to 2000, the population of Oakland County increased by 10.2 percent, from 1,083,592 to 1,194,156. The estimated population increased by an additional 2.0 percent between 2000 and 2005. The growth in population is expected to continue.

The deficit in circuit judgeships is evident in other areas, including jail overcrowding and a backlog of civil cases. The court currently employs one full-time visiting judge who conducts trials every day of the week. The court has available resources to add one circuit judgeship in 2006 and another in 2008. Probate Judge Barry Grant cannot run for reelection in 2008 due to age. Eliminating this probate judgeship and replacing it with a circuit judgeship would better balance the judicial needs of the two courts with minimum impact to the funding unit.

The following table provides additional information on the workload estimates for all court within the 6th Circuit.

Judicial Workload Estimates for all Courts Within the 6th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
District Courts	27.30	33.00	-5.70
C06 and Oakland County Probate Court	26.17	23.00	+3.17
Total Judicial Resources	53.47	56.00	-2.53

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

From 2000 to 2004, the 6th Circuit Court experienced an overall decrease in cases filed of 4.5 percent, while statewide case filings decreased by 5.3 percent. During this same time period, case filings in the Oakland County Probate Court increased by 3.1 percent, while statewide case filings decreased by 8.5 percent.

Appeals, divorce, paternity, UIFSA, other civil, domestic personal protection orders, auto negligence, nonauto damage suits, noncapital criminal, juvenile delinquency/designated, juvenile traffic, adoption, name change, parental waiver, and juvenile personal protection orders decreased between 2000 and 2004. Support, other domestic, nondomestic personal protection orders, general civil, capital criminal, and child protective increased. Child protective cases increased by 151.2 percent, compared to a statewide decline of 13.5 percent.

In the Oakland County Probate Court, supervised estates, guardianships and conservatorships decreased. These decreases were offset by increases in unsupervised estates, small estates, trusts, civil actions, admissions and commitments, and miscellaneous cases.

The following tables provide a more complete description of caseload trends in the 6th Circuit Court and the Oakland County Probate Court.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C06	C06
Criminal Appeals	79	64	71	58	68	-13.9%	-15.1%
Civil Appeals	108	90	107	110	93	-13.9%	11.4%
Agency Appeals	493	370	338	338	279	-43.4%	-45.3%
Other Appeals	629	609	722	669	599	-4.8%	-18.3%
Divorce Without Children	2,804	2,772	2,732	2,584	2,595	-7.5%	-7.8%
Divorce With Children	2,892	2,792	2,646	2,651	2,520	-12.9%	-14.6%
Paternity	913	851	830	531	825	-9.6%	-20.4%
UIFSA	409	411	268	262	376	-8.1%	0.8%
Support	831	863	843	604	1,056	27.1%	22.6%
Other Domestic	200	187	274	273	272	36.0%	-5.5%
Other Civil	673	740	266	279	244	-63.7%	-35.8%
Personal Protection Order Stalking	1,136	1,125	1,094	1,162	1,279	12.6%	-0.8%
Personal Protection Order Domestic	2,861	2,753	2,599	2,561	2,366	-17.3%	-12.6%
General Civil	4,161	4,700	5,047	4,799	4,659	12.0%	21.5%
Auto Negligence	1,340	1,377	1,304	1,367	1,203	-10.2%	0.6%
Nonauto Damage Suits	1,650	1,590	1,466	1,337	1,168	-29.2%	-24.9%
Criminal Capital	238	251	267	328	255	7.1%	-3.0%
Criminal Noncapital	5,814	5,756	5,676	5,592	5,795	-0.3%	11.3%
Juvenile Delinquency and Designated	4,037	3,875	3,466	3,528	3,891	-3.6%	-8.0%
Juvenile Traffic	531	539	482	409	372	-29.9%	-22.8%
Child Protective	365	352	468	988	917	151.2%	-13.5%
Adoption Related	497	477	504	436	424	-14.7%	-6.2%
Name Change	508	430	481	481	452	-11.0%	-11.9%
Waiver of Parental Consent	97	115	137	108	66	-32.0%	-8.6%
Emancipation of Minor	6	0	11	9	6	0.0%	-29.2%
Infectious Disease	0	0	0	0	0	NC	150.0%
Personal Protection Order Juvenile	120	137	97	85	107	-10.8%	53.3%
Total	33,392	33,226	32,196	31,549	31,887	-4.5%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Oakland	State
Supervised Estates	184	79	53	53	32	-82.6%	-71.7%
Unsupervised Estates	1,764	1,877	1,955	2,028	1,909	8.2%	7.7%
Small Estates/Assignment of Property	622	676	679	671	692	11.3%	-9.8%
Trusts	109	130	169	173	195	78.9%	20.1%
Guardians	1,793	1,579	1,785	1,844	1,642	-8.4%	-10.1%
Conservators	619	623	596	650	524	-15.3%	-27.3%
Civil Actions	25	42	40	39	45	80.0%	20.9%
Admissions and Commitments	1,308	1,480	1,378	1,542	1,457	11.4%	-6.0%
Miscellaneous	56	45	156	149	188	235.7%	-17.7%
Total	6,480	6,531	6,811	7,149	6,684	3.1%	-8.5%

RESOURCE FACTORS:

The 6th Circuit Court is well-staffed and well-equipped in comparison to most courts. The courthouse facility itself, however, is poorly designed, particularly for criminal matters. There are no lock-up facilities on any of the courtroom floors and, therefore, prisoners must be brought to the courtrooms one at a time from the basement for court appearances. Security is clearly a concern, but this setup also impedes handling the cases efficiently.

Oakland County has a high growth rate for business as well as residential population. The legal community is highly aggressive and politically savvy. As a result, the circuit court experiences a large number of complex civil filings, many of which proceed to trial. The court has experienced problems managing civil jury trials, sometimes lasting several weeks, while handling common cases. As mentioned above, the Court hires a full-time visiting judge to do nothing but handle lengthy trials so the dockets of the other judges do not become further backlogged.

The court utilizes a “homegrown” computer system, which is marginally adequate. There is a plan pending to convert to a different system, which will help with case handling issues, but probably will not impact the need for judges.

ENVIRONMENTAL FACTORS:

Oakland County is the wealthiest county in Michigan. As mentioned above, the legal community is litigious and aggressive. Many criminal cases that might be adjudicated with a plea in other counties often go to trial in Oakland County.

The court has an extremely active drug court that is well received by the prosecutor, community corrections, and all other interested agencies, but which also requires a high degree of judicial involvement. The National Institute for Corrections noted that Oakland County experiences a high number of probation violations compared to other counties, which also necessitates increased judicial involvement in the criminal caseload.

CONCLUSION:

We recommend an increase of one circuit judgeship for the 6th Circuit Court, effective January 1, 2007. Further, we recommend the elimination of one probate judgeship upon the conclusion of

Judge Barry Grant's term on January 1, 2009, and a corresponding increase of one circuit judgeship on that date.

The adjusted weighted caseload results indicate a need for 4.43 circuit judges and an excess of 1.26 probate judges. The courthouse is currently configured to accommodate one additional judgeship in the visiting judge courtroom. The court will have the capacity to add a courtroom for another judgeship in 2008. We recognize the continued need for an additional judge beyond this recommendation and will revisit that issue in the next judicial resource recommendation cycle.

**7th Circuit Court – Genesee County
Genesee County Probate Court**

SUMMARY AND RECOMMENDATIONS:

We recommend an increase of one judgeship for the 7th Circuit Court.

The adjusted weighted caseload results and the increased population support the recommendation for an additional judge. Furthermore, the leadership of the 7th Circuit Court thinks the funding unit is in a position to provide necessary staff and facilities to support an additional judgeship.

Genesee County is currently served by nine circuit judges and two probate judges, for a total of eleven judges. The adjusted weighted caseload results indicate a combined need for 12.73 circuit and probate judges. Genesee County is also served by eleven district court judges. The adjusted weighted caseload results indicate a combined need for 8.43 district judges. We are also recommending the reduction of one judgeship from the 68th District Court. If both recommendations for Genesee County are implemented, this would result in no net change in judgeships for the county.

Currently, the 7th Circuit Court utilizes the full-time service of one probate judge in the family division. In addition, the 7th Circuit Court has developed joint concurrent jurisdiction programs with the 67th and 68th district courts to manage a small portion of the circuit court's civil docket. The 7th Circuit Court also regularly retains visiting judges when the budget allows and available courtroom space can be located. All of these measures, as well as the recent relocation of all circuit and probate court operations into a single facility, has helped the 7th Circuit Court manage its caseload.

From 1990 to 2000, the population of Genesee County increased by 1.3 percent, from 430,459 to 436,141. From 2000 to 2004, the estimated population of Genesee County increased by 1.8 percent, to 443,947. Increased population outside the city of Flint, particularly the southern portion of the county, accounted for the countywide population increase.

The following table provides additional information on the workload estimates for all courts within the 7th Circuit.

Judicial Workload Estimates for all Courts Within the 7th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
District Courts	8.43	11.00	-2.57
C07 and Genesee County Probate Court	12.73	11.00	+1.73
Total Judicial Resources	21.16	22.00	-0.84

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

From 2000 to 2004, the 7th Circuit Court experienced a decrease of 12.7 percent in cases filed, while statewide case filings decreased by 5.3 percent. During that same time period, the Genesee County Probate Court experienced a decrease of 18.5 percent, while statewide case filings in probate court decreased by 8.5 percent.

In the majority of circuit court case categories, filings decreased between 2000 and 2004. Case filings in general civil, auto negligence, criminal noncapital, juvenile delinquency/designated, name change, and emancipation of minor increased during this time period. Within probate court, unsupervised estates and civil actions were the only case categories which showed increased filings between 2000 and 2004.

Although Genesee County experienced the election of a new prosecuting attorney, there seem to have been only minor changes in charging and plea practices, and therefore limited impact to the court.

The following tables give a more complete description of caseload trends in the 7th Circuit Court and the Genesee County Probate Court.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C07	State
Criminal Appeals	14	20	11	8	11	-21.4%	-15.1%
Civil Appeals	18	23	19	20	16	-11.1%	11.4%
Agency Appeals	163	139	109	119	96	-41.1%	-45.3%
Other Appeals	20	23	18	18	17	-15.0%	-18.3%
Divorce Without Children	1,259	1,166	1,185	1,169	1,038	-17.6%	-7.8%
Divorce With Children	1,349	1,222	1,301	1,187	1,083	-19.7%	-14.6%
Paternity	1,576	1,395	1,254	703	1,254	-20.4%	-20.4%
UIFSA	316	338	270	167	215	-32.0%	0.8%
Support	1,463	1,432	1,016	717	1,074	-26.6%	22.6%
Other Domestic	334	318	276	289	437	30.8%	-5.5%
Other Civil	113	137	159	150	141	24.8%	-35.8%
Personal Protection Order Stalking	825	791	796	656	458	-44.5%	-0.8%
Personal Protection Order Domestic	2,274	2,234	2,232	1,983	1,719	-24.4%	-12.6%
General Civil	960	1,019	1,107	1,005	992	3.3%	21.5%
Auto Negligence	416	464	493	417	472	13.5%	0.6%
Nonauto Damage Suits	657	532	584	467	399	-39.3%	-24.9%
Criminal Capital	199	151	186	197	170	-14.6%	-3.0%
Criminal Noncapital	1,592	1,694	1,770	1,895	1,946	22.2%	11.3%
Juvenile Delinquency and Designated	1,594	1,752	1,297	1,740	1,994	25.1%	-8.0%
Juvenile Traffic	404	344	345	292	193	-52.2%	-22.8%
Child Protective	1,303	1,400	1,162	1,065	940	-27.9%	-13.5%
Adoption Related	323	248	326	222	321	-0.6%	-6.2%
Name Change	110	107	100	83	121	10.0%	-11.9%
Waiver of Parental Consent	65	46	39	54	44	-32.3%	-8.6%
Emancipation of Minor	5	10	6	2	7	40.0%	-29.2%
Infectious Disease	0	0	1	0	0	NA	150.0%
Personal Protection Order Juvenile	34	51	45	19	26	-23.5%	53.3%
Total	17,386	17,056	16,107	14,644	15,184	-12.7%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Genesee	State
Supervised Estates	57	3	8	9	11	-80.7%	-71.7%
Unsupervised Estates	709	938	891	847	844	19.0%	7.7%
Small Estates/Assignment of Property	435	461	433	376	346	-20.5%	-9.8%
Trusts	50	37	54	69	38	-24.0%	20.1%
Guardians	848	843	864	845	740	-12.7%	-10.1%
Conservators	386	288	274	308	241	-37.6%	-27.3%
Civil Actions	14	12	13	25	17	21.4%	20.9%
Admissions and Commitments	743	685	555	608	454	-38.9%	-6.0%
Miscellaneous	92	53	18	25	27	-70.7%	-17.7%
Total	3,334	3,320	3,110	3,112	2,718	-18.5%	-8.5%

RESOURCE FACTORS:

The 7th Circuit Court has 76 full-time equivalent employees (excluding judges), in addition to 102 full-time equivalent employees in the Office of the Friend of the Court. Of the total number of

employees, five are full-time referees who have been cross-trained for service in either juvenile or domestic relations cases. The probate court has 22 full-time equivalent employees. An additional judgeship for the circuit court would require an additional secretary, law clerk, and two court clerks.

The 7th Circuit Court developed a joint program with the 67th and 68th District Courts to manage a small portion of the circuit court's civil docket. In addition, the circuit court arranges for a visiting judge approximately 20 weeks per year.

ENVIRONMENTAL FACTORS:

From 1990 to 2000, the population of Genesee County increased by 1.3 percent, from 430,459 to 436,141. From 2000 to 2004, the estimated population of Genesee County increased by 1.8 percent, to 443,947. Increased population outside the city of Flint, particularly the southern portion of the county, accounted for the countywide population increase. By 2020, the population of the county is projected to decline to approximately 419,000. The area has been affected by the reduction in automobile production and related manufacturing employment. The city of Flint is losing population while other parts of the county appear to be slightly gaining population.

There is an increase in the number of cases involving the use of drugs. The court has attempted to address the issue with the creation of a drug court. The circuit court has also seen an increase in the number of juvenile delinquency cases. More delinquent youth are remaining in care for a longer period under court jurisdiction.

The probate court anticipates growth in estate and adult guardianship cases as the population continues to age. Approximately 90 percent of the court's caseload is filed by pro se litigants. These litigants require additional court resources, both judicial and nonjudicial.

CONCLUSION:

We recommend an increase of one judgeship for the 7th Circuit Court.

The adjusted weighted caseload results and the population growth support the recommendation for an additional judge. Furthermore, if our recommendations for Genesee County are implemented, an increase for the 7th Circuit Court and a reduction for the 68th District Court, the net total judgeships in the county will remain at 22.

8th Circuit Court – Ionia and Montcalm Counties
Ionia County Probate Court
Montcalm County Probate Court

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 8th Circuit Court at this time.

Although the adjusted weighted caseload statistics indicate a need of 1.05 judges in the 8th Circuit Court and the Probate Courts of Ionia and Montcalm counties, the need is not as great as in other courts and we recommend reviewing the judicial need again in two years.

From 1990 to 2000, the population of Ionia and Montcalm counties increased by 11.5 percent, from 110,083 to 122,784. The estimated population increased 4.3 percent between 2000 and 2004, to 128,005.

The 8th Circuit Court is currently served by two circuit court judges. The Ionia County Probate Court and the Montcalm County Probate Court are served by one probate court judge in each county, for a total of four judges. The adjusted weighted caseload results indicate a need for 1.05 additional judges.

The following table provides additional information on the workload estimates for all courts within the 8th Circuit.

Judicial Workload Estimates for all Courts Within the 8th Circuit

Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
District Courts	2.32	2.00	+0.32
C08 and Ionia County Probate Court	2.48		
C08 and Montcalm County Probate Court	2.57		
C08, Ionia Probate Court, and Montcalm Probate Court	5.05	4.00	+1.05
Total Judicial Resources	7.38	6.00	+1.38

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

From 2000 to 2004, the 8th Circuit Court experienced an overall decrease of 2.1 percent in cases filed, while statewide filings decreased by 5.3 percent. For that same period, the Ionia County Probate Court received 7.9 percent more filings and Montcalm County Probate Court received 10.1 percent fewer filings. Statewide, probate courts received 8.5 percent fewer filings.

Capital felony criminal cases have increased over four-fold, from twelve in 2000 to 55 in 2004. Noncapital criminal cases increased by 10.8 percent during this time period, from 547 to 606 new filings.

General civil cases have increased 28.9 percent from 2000 to 2004. The entire civil docket for the 8th Circuit Court increased by 14.2 percent during the same time period.

Juvenile delinquency and designated cases increased by 12.2 percent between 2000 and 2004. Child protective cases decreased by 5.8 percent.

The following tables give a more complete description of caseload trends in the 8th Circuit Court, Ionia County Probate Court, and Montcalm County Probate Court.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C08	State
Criminal Appeals	14	8	9	4	9	-35.7%	-15.1%
Civil Appeals	4	2	7	5	3	-25.0%	11.4%
Agency Appeals	48	47	39	27	22	-54.2%	-45.3%
Other Appeals	13	20	34	34	46	253.8%	-18.3%
Divorce Without Children	319	321	317	303	288	-9.7%	-7.8%
Divorce With Children	412	423	399	363	323	-21.6%	-14.6%
Paternity	173	181	182	100	145	-16.2%	-20.4%
UIFSA	37	42	70	33	62	67.6%	0.8%
Support	238	274	291	154	201	-15.5%	22.6%
Other Domestic	71	66	72	44	54	-23.9%	-5.5%
Other Civil	13	17	19	27	27	107.7%	-35.8%
Personal Protection Order Stalking	433	382	406	335	334	-22.9%	-0.8%
Personal Protection Order Domestic	459	525	469	476	460	0.2%	-12.6%
General Civil	142	184	155	175	183	28.9%	21.5%
Auto Negligence	53	52	50	45	36	-32.1%	0.6%
Nonauto Damage Suits	38	46	50	40	35	-7.9%	-24.9%
Criminal Capital	12	18	27	31	55	358.3%	-3.0%
Criminal Noncapital	547	519	544	509	606	10.8%	11.3%
Juvenile Delinquency and Designated	731	686	710	695	820	12.2%	-8.0%
Juvenile Traffic	77	72	54	44	39	-49.4%	-22.8%
Child Protective	86	66	105	81	81	-5.8%	-13.5%
Adoption Related	63	62	105	63	86	36.5%	-6.2%
Name Change	23	30	21	21	17	-26.1%	-11.9%
Waiver of Parental Consent	2	2	0	0	0	-100.0%	-8.6%
Emancipation of Minor	3	3	3	3	1	-66.7%	-29.2%
Infectious Disease	0	0	0	0	0	0.0%	150.0%
Personal Protection Order Juvenile	26	40	19	16	19	-26.9%	53.3%
Total	4,037	4,088	4,157	3,628	3,952	-2.1%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Ionia	State
Supervised Estates	1	1	3	1	5	400.0%	-71.7%
Unsupervised Estates	96	85	97	87	85	-11.5%	7.7%
Small Estates/Assignment of Property	43	43	29	37	30	-30.2%	-9.8%
Trusts	1	4	0	0	5	400.0%	20.1%
Guardians	68	49	59	66	87	27.9%	-10.1%
Conservators	29	17	25	33	30	3.4%	-27.3%
Civil Actions	1	0	2	1	0	-100.0%	20.9%
Admissions and Commitments	46	45	36	62	65	41.3%	-6.0%
Miscellaneous	7	12	9	9	8	14.3%	-17.7%
Total	292	256	260	296	315	7.9%	-8.5%

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Montcalm	State
Supervised Estates	19	3	0	4	1	-94.7%	-71.7%
Unsupervised Estates	117	121	127	126	121	3.4%	7.7%
Small Estates/Assignment of Property	45	40	44	29	35	-22.2%	-9.8%
Trusts	1	1	0	3	0	-100.0%	20.1%
Guardians	95	67	84	76	80	-15.8%	-10.1%
Conservators	28	37	24	23	25	-10.7%	-27.3%
Civil Actions	9	2	1	2	7	-22.2%	20.9%
Admissions and Commitments	38	33	51	37	52	36.8%	-6.0%
Miscellaneous	14	6	8	10	8	-42.9%	-17.7%
Total	366	310	339	310	329	-10.1%	-8.5%

RESOURCE FACTORS:

The 8th Circuit Court has 47.5 full-time equivalent court employees, which includes four circuit employees, 18.5 juvenile employees, and 25 Friend of the Court employees. The two probate courts have six full-time equivalent employees; four in Ionia County and two in Montcalm County.

ENVIRONMENTAL FACTORS:

From 1990 to 2000, the population of Ionia and Montcalm counties increased by 11.5 percent, from 110,083 to 122,784. The estimated population increased 4.3 percent between 2000 and 2004, to 128,005.

The six state prisons in Ionia and Montcalm counties, including a high security facility, generate many cases, which are included in the adjusted weighted caseload formula.

The judicial resources of one district judge per county (D64A and D64B) are also fewer than needed based on the adjusted weighted caseload results for district courts. The extent of this judicial need was not sufficient to justify including these courts in the extended analysis, but is worth noting in this analysis of the circuit and probate courts in the same county. The district court judicial need is 0.14 in Ionia and 0.18 in Montcalm.

The two-county configuration of the circuit court requires more judicial resources than a one-county configuration because of the split administrative responsibilities, the additional funding unit, and the additional travel time.

CONCLUSION:

We recommend no change in judgeships for the 8th Circuit Court at this time.

Although the adjusted weighted caseload statistics indicate a need of 1.05 judges in the 8th Circuit Court and the Probate Courts of Ionia and Montcalm counties, the need is not as great as in other courts and we recommend reviewing the judicial need again in two years.

**16th Circuit Court – Macomb County
Macomb County Probate Court**

SUMMARY AND RECOMMENDATIONS:

We recommend an increase of one judgeship for the 16th Circuit Court.

In 2003, the SCAO recommended an increase of one judgeship for the 16th Circuit Court. This recommendation was not enacted. Although statistical analysis currently indicates a judicial need of 2.88 for the 16th Circuit Court, due to facility limitations and county budget constraints, the 16th Circuit Court requests the creation of only one judgeship.

Macomb County is currently served by twelve circuit judges and two probate judges for a total of 14 judges. Neither of the probate court judges serves in the family division of the circuit court. Statistical analysis suggests that the 16th Circuit Court should have 14.88 judgeships (an increase of 2.88 judges) and that the Macomb County Probate Court has an excess of 0.12 judgeships. The combined statistical need of the circuit and probate courts is 16.75 judgeships.

The court facilities are currently undergoing renovation so the circuit court building will be able to accommodate one additional judgeship. Each circuit court judge is provided with a secretary, court reporter, court clerk, and court officer. Each of these judicial support positions would be the financial responsibility of Macomb County. The leadership of the 16th Circuit Court thinks an increase in judicial resources is necessary to maintain an appropriate level of service to the public.

From 1990 until 2000, the population of Macomb County increased by 9.9 percent, from 717,400 to 788,149. Between 2000 and 2005, the estimated population of Macomb County increased by an additional 5.5 percent.

The following table provides additional information on the workload estimates for all courts within the 16th Circuit.

Judicial Workload Estimates for all Courts Within the 16th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
District Courts	18.99	19.00	-0.01
C16 and Macomb County Probate Court	16.75	14.00	+2.75
Total Judicial Resources	35.75	33.00	+2.75

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

Case filings in the 16th Circuit Court increased by 7.6 percent between 2000 and 2004. Statewide, case filings are down 5.3 percent. Civil appeals, other appeals, paternity, UIFSA, support, other domestic, other civil, personal protection orders, general civil, auto negligence, noncapital criminal, juvenile delinquency/designated, adoption related, and name change cases have increased since 2000. Criminal appeals, agency appeals, divorce, nonauto damage suits, capital

criminal, juvenile traffic, child protective, and parental waivers have decreased during this same time period.

Case filings in the Macomb County Probate Court have remained stable, with a 0.2 percent increase between 2000 and 2004. Statewide, case filings are down 8.5 percent. Supervised estates, small estates, guardianships, conservatorships, civil actions, and miscellaneous cases decreased during this time period. Unsupervised estates, trusts, and judicial admissions and mental commitments increased.

The following two tables provide detailed caseload trends for the 16th Circuit Court and Macomb County Probate Court.

Although Macomb County experienced the election of a new prosecuting attorney in January 2005, there seems to have been only minor changes in charging and plea practices, and therefore limited impact on the court.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C16	State
Criminal Appeals	25	29	24	17	15	-40.0%	-15.1%
Civil Appeals	54	59	39	42	75	38.9%	11.4%
Agency Appeals	470	409	316	288	268	-43.0%	-45.3%
Other Appeals	283	339	273	247	318	12.4%	-18.3%
Divorce Without Children	1,864	1,795	1,833	1,732	1,696	-9.0%	-7.8%
Divorce With Children	1,950	2,046	2,012	1,882	1,861	-4.6%	-14.6%
Paternity	454	469	494	414	544	19.8%	-20.4%
UIFSA	248	276	219	186	252	1.6%	0.8%
Support	510	755	694	554	861	68.8%	22.6%
Other Domestic	175	200	246	237	215	22.9%	-5.5%
Other Civil	131	140	163	209	198	51.1%	-35.8%
Personal Protection Order Stalking	612	618	735	767	696	13.7%	-0.8%
Personal Protection Order Domestic	1,583	1,483	1,727	1,739	1,704	7.6%	-12.6%
General Civil	1,827	2,051	2,422	2,489	2,044	11.9%	21.5%
Auto Negligence	958	1,058	1,033	1,029	968	1.0%	0.6%
Nonauto Damage Suits	920	922	863	688	688	-25.2%	-24.9%
Criminal Capital	253	212	222	240	223	-11.9%	-3.0%
Criminal Noncapital	3,676	3,776	3,909	3,908	4,230	15.1%	11.3%
Juvenile Delinquency and Designated	2,257	2,201	2,582	2,795	3,040	34.7%	-8.0%
Juvenile Traffic	974	1,232	267	1,031	784	-19.5%	-22.8%
Child Protective	565	648	552	502	490	-13.3%	-13.5%
Adoption Related	284	288	340	299	410	44.4%	-6.2%
Name Change	233	197	283	337	292	25.3%	-11.9%
Waiver of Parental Consent	35	36	29	23	19	-45.7%	-8.6%
Emancipation of Minor	0	3	4	1	3	NA	-29.2%
Infectious Disease	0	0	0	0	0	NC	150.0%
Personal Protection Order Juvenile	67	59	47	74	74	10.4%	53.3%
Total	20,408	21,301	21,328	21,730	21,968	7.6%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Macomb	State
Supervised Estates	133	0	0	0	6	-95.5%	-71.7%
Unsupervised Estates	1,341	1,473	1,563	1,439	1,442	7.5%	7.7%
Small Estates/Assignment of Property	551	578	576	480	538	-2.4%	-9.8%
Trusts	44	54	111	77	65	47.7%	20.1%
Guardians	1,300	1,227	1,159	1,274	1,211	-6.8%	-10.1%
Conservators	532	537	496	487	463	-13.0%	-27.3%
Civil Actions	60	62	55	47	56	-6.7%	20.9%
Admissions and Commitments	833	902	914	929	1,034	24.1%	-6.0%
Miscellaneous	45	52	22	9	13	-71.1%	-17.7%
Total	4,839	4,885	4,896	4,742	4,828	-0.2%	-8.5%

RESOURCE FACTORS:

The circuit court is served by approximately 256 employees, including those in the Friend of the Court office. The circuit court caseload is managed by 130 employees, while the Friend of the Court employs a total of 126. The circuit court makes use of eight domestic relations referees, and eight juvenile division referees.

Each circuit judge is provided with a secretary, court reporter (unless courtroom video recording is utilized), court clerk, and an assigned court officer from the sheriff's department. Thus, the addition of a new judge would require additional resources from the county.

The 16th Circuit Court is currently improving automation through the implementation of a new computer system. The new system offers numerous enhancements over the prior system, including new case management tools and a new financial package to assist with collection activities. In addition, with the exception of a single juvenile division referee, all the judicial resources (including referees) of the court have recently been consolidated in a single facility. This has allowed for improved case processing through greater utilization of economies of scale and interaction with ancillary organizations. Even with these enhanced efforts, the court is challenged to meet appropriate case time processing guidelines.

ENVIRONMENTAL FACTORS:

From 1990 until 2000, the population of Macomb County increased by 9.9 percent, from 717,400 to 788,149. Between 2000 and 2004, the estimated population of Macomb County increased by an additional 5.5 percent. All indications are that the growth will continue. The county has seen continued growth in infrastructure, industry, and business. The opening of the M-59 highway corridor in recent years has resulted in dramatic growth of retail and commercial businesses in that area. Several of the northern townships in the county have seen substantial population increases due to new housing developments.

CONCLUSION:

We recommend an increase of one judgeship for the 16th Circuit Court.

Although statistical analysis indicates a judicial need of 2.88 for the 16th Circuit Court, due to facility limitations and county budget constraints, the 16th Circuit Court requests the creation of only one judgeship.

**17th Circuit Court – Kent County
Kent County Probate Court**

SUMMARY AND RECOMMENDATIONS:

We recommend an increase of one circuit judgeship for the 17th Circuit Court.

In 2003, the SCAO recommended an increase of one judgeship for the 17th Circuit Court. This recommendation was not enacted. Adjusted weighted caseload measures continue to indicate a substantial need for additional judgeships. The circuit and probate courts have a combined statistical need for 2.54 additional judges. This court has had a period of time to adjust to the impact of two additional judges who took office in 2003.

The 17th Circuit Court and the Kent County Probate Court serve all of Kent County. From 1990 to 2000, the population of Kent County increased by 14.7 percent, from 500,631 to 543,335. From 2000 to 2004, the estimated population of Kent County increased by 3.4 percent, to 593,898.

The following table provides additional information on the workload estimates for all courts within the 17th Circuit.

Judicial Workload Estimates for all Courts Within the 17th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
District Courts	12.17	12.00	+0.17
C17 and Kent County Probate Court	15.54	13.00	+2.54
Total Judicial Resources	27.71	25.00	+2.71

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

Case filings in the 17th Circuit Court have remained relatively stable during the past five years, at around 19,000 cases per year. Statewide case filings are down 5.3 percent. General civil, civil appeals, criminal, UIFSA, domestic personal protective orders, and child protective cases have increased since 2000. Other civil, noncivil appeals, nonauto damages, divorce with children, paternity, support, and juvenile traffic have decreased during this same time period.

Felony pleas are accepted in district courts, a cooperative approach that improves efficiency. The array of civil litigation, indicative of a large, busy, urban court, is reflected in the complexity of lawsuits, with multiple attorneys and some parties living outside the country. There has recently been a dramatic increase in child protective “out-of-home” referrals. These cases will eventually reach the Family Division and require a significant amount of docket time. Alternative dispute resolution methods are used effectively as tools to enhance caseflow management. An active on-site Legal Assistance Center provides pro se litigants greater access to the courts. The court has improved its adherence to case processing guidelines in the last year. There has been a reduction in the number of cases more than two years old of 29 percent.

Case filings in the Kent County Probate Court are up 5.1 percent. Statewide, case filings are down 8.5 percent. Increases in unsupervised estates, civil actions, admissions and commitments, and miscellaneous probate, offset decreases in supervised estates, small estates, trusts, guardianships, and conservatorships between 2000 and 2004.

The following tables provide detailed caseload trends for the 17th Circuit Court and the Kent County Probate Court.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C17	State
Criminal Appeals	23	16	17	20	19	-17.4%	-15.1%
Civil Appeals	33	18	31	33	39	18.2%	11.4%
Agency Appeals	255	162	149	153	117	-54.1%	-45.3%
Other Appeals	18	15	12	14	10	-44.4%	-18.3%
Divorce Without Children	1,254	1,303	1,271	1,264	1,267	1.0%	-7.8%
Divorce With Children	1,486	1,400	1,301	1,288	1,378	-7.3%	-14.6%
Paternity	1,128	1,133	1,154	766	892	-20.9%	-20.4%
UIFSA	50	100	254	164	249	398.0%	0.8%
Support	898	1,190	1,063	669	758	-15.6%	22.6%
Other Domestic	308	407	261	279	302	-1.9%	-5.5%
Other Civil	139	137	83	74	93	-33.1%	-35.8%
Personal Protection Order Stalking	514	640	562	652	652	26.8%	-0.8%
Personal Protection Order Domestic	1,846	1,614	1,493	1,615	1,723	-6.7%	-12.6%
General Civil	836	950	1,010	1,008	1,084	29.7%	21.5%
Auto Negligence	235	251	306	274	248	5.5%	0.6%
Nonauto Damage Suits	311	325	224	213	190	-38.9%	-24.9%
Criminal Capital	213	206	157	215	238	11.7%	-3.0%
Criminal Noncapital	3,229	3,130	3,378	3,388	3,392	5.0%	11.3%
Juvenile Delinquency and Designated	4,100	4,331	4,790	4,551	3,767	-8.1%	-8.0%
Juvenile Traffic	504	551	471	454	374	-25.8%	-22.8%
Child Protective	499	557	756	725	837	67.7%	-13.5%
Adoption Related	120	556	359	362	381	217.5%	-6.2%
Name Change	362	196	155	182	174	-51.9%	-11.9%
Waiver of Parental Consent	7	0	27	23	24	242.9%	-8.6%
Emancipation of Minor	10	55	34	30	20	100.0%	-29.2%
Infectious Disease	0	0	0	0	0	NC	150.0%
Personal Protection Order Juvenile	82	73	49	60	78	-4.9%	53.3%
Total	18,460	19,316	19,367	18,476	18,306	-0.8%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Kent	State
Supervised Estates	52	20	20	20	29	-44.2%	-71.7%
Unsupervised Estates	737	772	901	763	826	12.1%	7.7%
Small Estates/Assignment of Property	368	291	367	309	328	-10.9%	-9.8%
Trusts	127	73	63	81	69	-45.7%	20.1%
Guardians	1,103	905	987	806	822	-25.5%	-10.1%
Conservators	463	348	337	287	272	-41.3%	-27.3%
Civil Actions	12	25	19	40	25	108.3%	20.9%
Admissions and Commitments	709	865	1,239	1,203	1,349	90.3%	-6.0%
Miscellaneous	53	51	115	80	90	69.8%	-17.7%
Total	3,624	3,350	4,048	3,589	3,810	5.1%	-8.5%

RESOURCE FACTORS:

The circuit and probate courts of Kent County operate with a staff of 415 employees, exclusive of judges, and six referees. Four law clerks started work this July to support the research needs in the criminal, civil, and family divisions. Assignments of retired judges are often made to assist with docket management. Kent County circuit and probate judges continue to handle assignments for disqualifications from other trial courts. The court has state-of-the-art technology, including video for arraignments and an integrated computer system. Video recording systems are utilized by two judges and would likely be installed if new judges are authorized.

ENVIRONMENTAL FACTORS:

From 1990 to 2000, the population of Kent County increased by 14.7 percent, from 500,631 to 543,335. From 2000 to 2004, the estimated population of Kent County increased by 3.4 percent, to 593,898. Kent County is the fourth largest county in Michigan. The population of Kent County is predicted to continue growing.

The county has seen continued growth in infrastructure, industry and business. While Grand Rapids is facing some economic challenges, the outlying areas are experiencing significant growth and development. Downtown Grand Rapids is revitalizing and developing major medical service centers to serve Michigan. Major employers include General Motors, Delphi, Rapistan Systems, Diesel Technology, and Keebler.

The local legal culture fosters the effective movement of cases. The bench works well with stakeholders to develop and implement effective case management procedures and programs, including new pretrial procedures, settlement weeks, alternative dispute resolution, and mediations in attorney and prosecutor assignment practices.

This court is experiencing a greater need for foreign language interpreters, particularly Spanish, Vietnamese, and the languages of Eastern Europe. The court has fostered and maintained a good working relationship with its funding unit, Kent County.

Overall, this court is well managed, innovative, and hardworking.

CONCLUSION:

We recommend an increase of one circuit judgeship for the 17th Circuit Court. The adjusted weighted caseload statistics, increasing population, and robust economy support an increase of judgeships.

**25th Circuit Court – Marquette County
Marquette County Probate Court**

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 25th Circuit Court at this time.

Although the adjusted weighted caseload results show an excess of judges, a rapid decline in case filings and a historic decline in county population support the assertion that Marquette County may need to be assigned to a different category of courts in the weighted caseload formula. Until a detailed review of these assignments can be made, we do not recommend reducing the number of judges for the 25th Circuit Court.

Marquette County is served by two circuit judges and one probate judge. The adjusted weighted caseload measures indicate a combined need for 1.43 judges, which is an excess of 1.57 judges.

Case filings in circuit court decreased by 32.5 percent between 2000 and 2004. Case filings in probate court decreased by 17.6 percent during this time period. Statewide trends in circuit and probate court also declined, but not to the same extent as experienced in Marquette County.

By the end of the 1990s, the population in Marquette County decreased by 8.8 percent. From 1990 to 2000, the population decreased from 70,887 to 64,634. From 2000 to 2004, the estimated population increased by 0.4 percent, to 64,874.

The following table provides additional information on the workload estimates for all courts within the 25th Circuit.

Judicial Workload Estimates for all Courts Within the 25th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D96 – Marquette County	1.47	2.00	-0.53
C25 and Marquette County Probate	1.43	3.00	-1.57
Total Judicial Resources	2.89	5.00	-2.11

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

From 2000 to 2004, the 25th Circuit Court experienced an overall decrease in case filings of 32.5 percent, while statewide case filings decreased by 5.3 percent. Circuit court case categories of other appeals, other domestic, other civil, general civil, child protective, and juvenile personal protection orders increased in case filings between 2000 and 2004. Case filings in all other case categories decreased during this time period.

From 2000 to 2004, the Marquette County Probate Court experienced an overall decrease in case filings of 17.6 percent, while statewide case filings decreased by 8.5 percent. Probate court case

categories of trusts and conservatorships increased between 2000 and 2004. Case filings in all other case categories decreased during this time period.

The following tables provide a more complete description of caseload trends in the 25th Circuit Court and the Marquette County Probate Court.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C25	State
Criminal Appeals	3	1	6	2	1	-66.7%	-15.1%
Civil Appeals	4	3	6	3	3	-25.0%	11.4%
Agency Appeals	41	26	24	14	20	-51.2%	-45.3%
Other Appeals	5	3	5	8	10	100.0%	-18.3%
Divorce Without Children	130	123	123	130	111	-14.6%	-7.8%
Divorce With Children	212	154	134	137	135	-36.3%	-14.6%
Paternity	40	48	35	21	32	-20.0%	-20.4%
UIFSA	35	45	39	12	30	-14.3%	0.8%
Support	86	86	67	36	57	-33.7%	22.6%
Other Domestic	23	16	38	36	29	26.1%	-5.5%
Other Civil	5	7	2	1	8	60.0%	-35.8%
Personal Protection Order Stalking	128	97	90	82	87	-32.0%	-0.8%
Personal Protection Order Domestic	166	131	143	130	135	-18.7%	-12.6%
General Civil	93	95	89	80	95	2.2%	21.5%
Auto Negligence	30	27	17	23	23	-23.3%	0.6%
Nonauto Damage Suits	51	55	43	112	30	-41.2%	-24.9%
Criminal Capital	12	4	3	10	2	-83.3%	-3.0%
Criminal Noncapital	252	181	203	150	216	-14.3%	11.3%
Juvenile Delinquency and Designated	552	446	406	403	294	-46.7%	-8.0%
Juvenile Traffic	260	241	211	128	76	-70.8%	-22.8%
Child Protective	36	58	82	46	68	88.9%	-13.5%
Adoption Related	45	35	47	30	27	-40.0%	-6.2%
Name Change	16	15	17	16	11	-31.3%	-11.9%
Waiver of Parental Consent	2	0	4	0	0	-100.0%	-8.6%
Emancipation of Minor	6	4	1	2	3	-50.0%	-29.2%
Infectious Disease	0	0	0	0	0	NC	150.0%
Personal Protection Order Juvenile	0	0	1	5	4	NA	53.3%
Total	2,233	1,901	1,836	1,617	1,507	-32.5%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Marquette	State
Supervised Estates	7	0	1	0	1	-85.7%	-71.7%
Unsupervised Estates	109	80	108	107	96	-11.9%	7.7%
Small Estates/Assignment of Property	67	77	65	64	51	-23.9%	-9.8%
Trusts	2	2	2	1	3	50.0%	20.1%
Guardians	78	84	80	60	63	-19.2%	-10.1%
Conservators	6	17	11	19	13	116.7%	-27.3%
Civil Actions	0	0	0	0	0	NC	20.9%
Admissions and Commitments	80	66	75	77	65	-18.8%	-6.0%
Miscellaneous	14	6	18	8	7	-50.0%	-17.7%
Total	363	332	360	336	299	-17.6%	-8.5%

RESOURCE FACTORS:

Staffing levels: The circuit court has no court administrator and only one administrative aide per judge. In addition to clerical and probation staff, the family court juvenile division has one part-time attorney referee. The district court does have a full-time court administrator, but the person devotes significant time to clerical duties. The addition of judicial activity support staff, such as a full-time referee in the family court and a law clerk in the civil-criminal division, could relieve the need for judicial resources, but the county does not have money to pay for these positions.

Assignments: All Marquette County judges are cross-assigned to provide adequate docket coverage. The judges have maintained a cooperative approach through the Marquette County Judicial Council. Marquette judges do not require a significant number of assignments into their courts. They do readily accept assignments, upon request, into neighboring courts. Additionally, the judges will be called upon to cover matters under federal law and court rule when the local United States District Judge or Magistrate are unavailable.

Facilities: The circuit court is located in one of Michigan's most famous historical landmarks, the Marquette County Courthouse. Considering the historic nature of these facilities, the funding unit has done a remarkable job providing facilities to the court system. The district court, probate court, and friend of the court office are located in an adjoining annex. In addition to the facilities located in the city of Marquette, the district court operates a facility in Ishpeming.

Technological Resources: All courts have internet access and utilize the Michigan Judicial Information System for case management. The district court uses a video arraignment system and the circuit court a digital video recording system. All courts have access to a network Law Library.

ENVIRONMENTAL FACTORS:

Demographics: From 1990 to 2000, the population of Marquette County decreased by 8.8 percent, from 70,887 to 64,634. From 2000 to 2004, the estimated population increased by 0.4 percent, to 64,874. Growth has occurred among older retirees, with little growth in the number of young families. Area school districts all project declining enrollment. The economic base is stable to growing. From 2000 to 2010, employment is projected to increase 7.8 percent. Marquette County's unemployment fell from 6.9 percent in April 2004 to 6.0 percent in April 2005.

Local legal culture: Marquette County has a high number of attorneys, relative to its population, and a large number of prosecutors to similar sized courts.

Judicial philosophy: In general, none of the Marquette County courts have a significant backlog, delay, or lack of litigant access for adjudication and disposition of cases. Because the courts generally do not have referees, all prejudgment and postjudgment motions are heard by a judge, including motions to change custody, support, parenting time, move away cases, show cause hearings, etc. They have a "pro" hearing access approach, with a philosophy of providing all litigants a full and fair hearing on all postjudgment motions, leading to occasional delay in getting hearing times. The court believes that the loss of a judge, without a referee, will lead to delays and reduced access to the court.

CONCLUSION:

We recommend no change in judgeships for the 25th Circuit Court at this time.

Although the adjusted weighted caseload results show an excess of judges, a rapid decline in case filings and a historic decline in county population support the assertion that Marquette County may need to be assigned to a different category of courts in the weighted caseload formula. Until a detailed review of these assignments can be made, we do not recommend reducing the number of judges for the 25th Circuit Court.

**32nd Circuit Court – Gogebic County and Ontonagon County
Gogebic County Probate Court
Ontonagon County Probate Court**

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 32nd Circuit Court at this time.

The adjusted weighted caseload results show an excess of judges, the case filings are declining, and the population is declining in both counties. However, the court only has one circuit judge and two probate judges. One probate judge is elected in each county. Therefore, we recommend no change in judgeships.

Adjusted weighted caseload measures indicate an excess of judgeships for the 32nd Circuit Court, the Gogebic County Probate Court, and the Ontonagon County Probate Court. The judicial need in the three courts is 1.51. There is an excess of 1.49 judgeships.

From 1990 to 2000, the population of Gogebic and Ontonagon counties decreased by 6.4 percent, from 26,906 to 25,188. From 2000 to 2004, the estimated population of these two counties decreased by 2.5 percent, to 24,567.

It should be noted that in the 2003 Judicial Resources Recommendations Addendum, we discussed the impact of converting the part-time probate judge in Ontonagon County to a full-time probate judge with district court authority, and recommended that it only be done if the district judgeship was eliminated by attrition. The probate judgeship in Ontonagon County was converted from a part-time to a full-time position and given district court authority on March 30, 2005. The probate judgeship in Gogebic County, which is already a full-time position, could also be given district court authority. While we are not recommending the elimination of a judgeship at this time, giving the Gogebic County probate judge district court authority would permit the Legislature to eliminate the one district judgeship serving Gogebic and Ontonagon counties.

The following table provides additional information on the workload estimates for all courts within the 32nd Circuit.

Judicial Workload Estimates for all Courts Within the 32nd Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
District Courts	1.34	1.00	+0.34
C32 and Gogebic County Probate Court	1.13		
C32 and Ontonagon County Probate Court	0.38		
C32, Gogebic Probate Court, and Ontonagon Probate Court	1.51	3.00	-1.49
Total Judicial Resources	2.84	4.00	-1.16

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

The 32nd Circuit Court has experienced a 30.6 percent decrease in cases filed between 2000 and 2004. Statewide, the decrease is 5.3 percent. The 32nd Circuit Court is handling more criminal cases, but the majority of other case types have declined.

In the Gogebic County Probate Court, case filings increased by 22.0 percent, from 109 to 133. In the Ontonagon County Probate Court, case filings increased by 28.3 percent, from 60 to 77. Statewide case filings in probate court have decreased by 8.5 percent.

The following tables give a more complete description of the caseload trends in the 32nd Circuit Court and related probate courts.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C32	State
Criminal Appeals	1	0	0	4	2	100.0%	-15.1%
Civil Appeals	1	2	0	2	3	200.0%	11.4%
Agency Appeals	12	8	21	5	6	-50.0%	-45.3%
Other Appeals	3	4	22	7	3	0.0%	-18.3%
Divorce Without Children	44	64	47	59	44	0.0%	-7.8%
Divorce With Children	55	62	59	49	42	-23.6%	-14.6%
Paternity	34	23	30	10	17	-50.0%	-20.4%
UIFSA	0	1	16	9	10	NA	0.8%
Support	37	30	34	19	32	-13.5%	22.6%
Other Domestic	24	31	15	12	13	-45.8%	-5.5%
Other Civil	5	6	5	2	2	-60.0%	-35.8%
Personal Protection Order Stalking	71	98	69	77	51	-28.2%	-0.8%
Personal Protection Order Domestic	88	101	90	91	77	-12.5%	-12.6%
General Civil	37	46	55	52	51	37.8%	21.5%
Auto Negligence	9	3	6	11	5	-44.4%	0.6%
Nonauto Damage Suits	12	12	11	12	11	-8.3%	-24.9%
Criminal Capital	0	0	1	8	8	NA	-3.0%
Criminal Noncapital	28	42	81	109	113	303.6%	11.3%
Juvenile Delinquency and Designated	581	462	330	264	214	-63.2%	-8.0%
Juvenile Traffic	9	19	1	0	1	-88.9%	-22.8%
Child Protective	45	39	34	29	45	0.0%	-13.5%
Adoption Related	11	18	15	7	14	27.3%	-6.2%
Name Change	4	6	3	5	8	100.0%	-11.9%
Waiver of Parental Consent	0	0	0	0	0	NC	-8.6%
Emancipation of Minor	0	0	0	0	1	NA	-29.2%
Infectious Disease	0	0	0	0	0	NC	150.0%
Personal Protection Order Juvenile	5	0	0	0	1	-80.0%	53.3%
Total	1,116	1,077	945	843	774	-30.6%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Gogebic	State
Supervised Estates	6	7	4	1	2	-66.7%	-71.7%
Unsupervised Estates	25	23	28	22	36	44.0%	7.7%
Small Estates/Assignment of Property	32	22	35	22	18	-43.8%	-9.8%
Trusts	1	2	0	1	0	-100.0%	20.1%
Guardians	9	27	33	30	17	88.9%	-10.1%
Conservators	1	14	7	6	4	300.0%	-27.3%
Civil Actions	0	0	0	0	1	NA	20.9%
Admissions and Commitments	22	26	30	20	32	45.5%	-6.0%
Miscellaneous	13	19	21	22	23	76.9%	-17.7%
Total	109	140	158	124	133	22.0%	-8.5%

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Ontonagon	State
Supervised Estates	6	1	0	1	0	-100.0%	-71.7%
Unsupervised Estates	15	12	22	17	22	46.7%	7.7%
Small Estates/Assignment of Property	14	12	19	13	15	7.1%	-9.8%
Trusts	0	0	0	0	0	NC	20.1%
Guardians	11	14	14	11	21	90.9%	-10.1%
Conservators	3	3	2	4	10	233.3%	-27.3%
Civil Actions	3	0	0	1	0	-100.0%	20.9%
Admissions and Commitments	5	8	14	4	7	40.0%	-6.0%
Miscellaneous	3	2	3	0	2	-33.3%	-17.7%
Total	60	52	74	51	77	28.3%	-8.5%

RESOURCE FACTORS:

Staffing Levels: The courts in Gogebic and Ontonagon counties have minimal staffing levels, with all staff performing multiple court functions. In Gogebic County, the juvenile register/administrator is also the county's IT director. There are no attorney referees/magistrates or law clerks available to assist the judges. While the district and probate courts have positions identified as "court administrator," the individuals in those positions primarily perform the functions of clerk, magistrate, or juvenile officer.

Assignment: With the conversion of the Ontonagon probate judgeship to full-time, Probate Judge Zeleznik has been assigned all circuit court cases, all probate court cases, and district court civil infractions. In Gogebic County, Probate Judge Massie is assigned all probate court cases, all juvenile, all child protective, all adoption, one-half of circuit court domestic relations cases, one-half of circuit court adult personal protection orders, and the miscellaneous family cases. In Gogebic County, Circuit Judge Gotham is assigned all circuit civil, all circuit criminal, one-half of the circuit court domestic relations cases, and one-half of the circuit court adult personal protection orders. A concurrent jurisdiction plan between the 32nd Circuit and Ontonagon County Probate Courts became effective on September 1, 2005. Within the circuit, all judges are cross-assigned to assist with each other's docket. Since the conversion of the probate judgeship to full-time the assignment of judges from outside the circuit to handle a disqualification matter is now rare.

Facilities: The Gogebic Courthouse was built in the 1800s and an annex was added in the 1980s. It houses varied county offices in addition to the courts. The circuit and district court offices, courtrooms, and law library occupy the second floor. The probate court is located on the first floor and has access to a hearing room. The Friend of the Court office is in the basement. The district court also has an office in the city of Ironwood. The Ontonagon courthouse was built in the 1980s. All court operations are located on the second floor, where there is a circuit court courtroom and a second, smaller, courtroom for use by the district and probate courts. Space in both facilities is maximized.

Technological resources: The circuit and probate courts currently use the VATRIX case management system. The courts have been told that the system would no longer be supported by the vendor after January 1, 2006. The circuit and probate courts received a demonstration and cost estimate to change to the Judicial Information System (JIS). If JIS is chosen, implementation could not start until early 2006. The district court currently uses the JIS district court module and all courts are connected to the internet.

In August 2005, the district court (Gogebic Division) was approved as a digital video recording court. As part of this new video system, the court is also conducting video arraignments between the courtroom and Gogebic County Jail.

ENVIRONMENTAL FACTORS:

Demographics: Between 2000 and 2004, the population in both counties has declined (Gogebic by 2.0 percent and Ontonagon by 3.6 percent) and is aging. There has been a decline in employment with the closing of the White Pines Mine, saw mills, and industrial level jobs. All counties in the western portion of the Upper Peninsula report an influx of people from Wisconsin and Illinois purchasing vacation and recreational properties, as well as lower level housing. Unemployment rates in Gogebic County are described as stabilized, while Ontonagon County's are among the highest in the state. Poverty rates in both counties are high.

Local legal culture: The two counties have a Bar of 36 attorneys. In Gogebic County the practices of the county prosecutor and some defense attorneys result in a longer negotiating process before reaching a plea agreement. The bar would be opposed to a reduction of the bench.

Ontonagon County has two attorneys doing most of the work, so the court frequently has to seek attorneys from Gogebic and Houghton counties. As a result of the limited availability of attorneys, the court has to deal with a large number of pro se litigants.

Judicial philosophy: In Gogebic County the judicial philosophy regarding the domestic caseload is to let it be managed by attorney/litigant prerogative, as compared to general civil, juvenile, and criminal caseloads, which the court actively manages. In Ontonagon County, Judge Zeleznik actively manages cases from filing to conclusion.

CONCLUSION:

We recommend no change in judgeships for the 32nd Circuit Court at this time.

The adjusted weighted caseload results show an excess of judges, the case filings are declining, and the population is declining in both counties. However, the court only has one circuit judge and one probate judge per county. Therefore, we recommend no change in judgeships.

41st Circuit Court – Dickinson, Iron, and Menominee Counties
Dickinson County Probate Court
Iron County Probate Court
Menominee County Probate Court

SUMMARY AND RECOMMENDATIONS:

We recommend the reduction through attrition of one judgeship in the 41st Circuit Court.

The adjusted weighted caseload results show an excess of judges, case filings in circuit court are declining, and the population is stable in all three counties.

The 41st Circuit Court is served by two judges, and the three probate courts are each served by one judge. The adjusted weighted caseload measures indicate an excess of 1.66 judges for the circuit and probate courts combined. The judicial need in the four courts is 3.34.

From 1990 to 2000, the population in Dickinson, Iron, and Menominee counties increased by 1.6 percent, from 64,926 to 65,936. From 2000 to 2004, the estimated population of these three counties decreased by 1.3 percent, to 65,106.

The following table provides additional information on the workload estimates for all courts within the 41st Circuit.

Judicial Workload Estimates for all Courts Within the 41st Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
District Courts	2.25	2.00	+0.25
C41 and Dickinson County Probate Court	1.48		
C41 and Iron County Probate Court	0.75		
C41 and Menominee County Probate Court	1.11		
C41 and Probate Courts	3.34	5.00	-1.66
Total Judicial Resources	5.59	7.00	-1.41

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

From 2000 to 2004, the 41st Circuit Court experienced an overall decrease in cases filed of 5.9 percent, while statewide case filings decreased by 5.3 percent.

Divorce, paternity, other domestic, personal protection orders, auto negligence, nonauto damage suits, juvenile delinquency/designated, and name change cases decreased between 2000 and 2004. Conversely, criminal appeals, agency appeals, UIFSA, support, other civil, general civil, criminal, juvenile traffic, child protective, adoption, and juvenile personal protection orders decreased during this same time period.

Between 2000 and 2004, case filings in the Dickinson County Probate Court increased by 25.2 percent, case filings in the Iron County Probate Court decreased by 19.3 percent, and case filings in the Menominee County Probate Court decreased by 32.5 percent. Statewide, probate court filings decreased by 8.5 percent.

The following tables provide a more complete description of caseload trends in the 41st Circuit Court and related probate courts.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C41	State
Criminal Appeals	9	4	5	2	13	44.4%	-15.1%
Civil Appeals	2	1	3	6	2	0.0%	11.4%
Agency Appeals	21	15	26	18	22	4.8%	-45.3%
Other Appeals	2	7	4	4	0	-100.0%	-18.3%
Divorce Without Children	150	155	178	145	148	-1.3%	-7.8%
Divorce With Children	168	171	168	167	162	-3.6%	-14.6%
Paternity	132	112	107	46	80	-39.4%	-20.4%
UIFSA	17	33	32	24	31	82.4%	0.8%
Support	63	83	53	63	100	58.7%	22.6%
Other Domestic	24	26	11	12	21	-12.5%	-5.5%
Other Civil	2	8	6	10	18	800.0%	-35.8%
Personal Protection Order Stalking	199	152	192	169	125	-37.2%	-0.8%
Personal Protection Order Domestic	236	204	206	190	211	-10.6%	-12.6%
General Civil	107	104	110	136	121	13.1%	21.5%
Auto Negligence	47	41	57	52	21	-55.3%	0.6%
Nonauto Damage Suits	45	35	45	36	22	-51.1%	-24.9%
Criminal Capital	3	5	9	4	5	66.7%	-3.0%
Criminal Noncapital	335	277	287	317	340	1.5%	11.3%
Juvenile Delinquency and Designated	558	677	556	536	478	-14.3%	-8.0%
Juvenile Traffic	58	83	74	97	64	10.3%	-22.8%
Child Protective	54	83	72	93	96	77.8%	-13.5%
Adoption Related	26	27	21	24	36	38.5%	-6.2%
Name Change	16	25	18	25	15	-6.3%	-11.9%
Waiver of Parental Consent	0	0	0	0	0	NC	-8.6%
Emancipation of Minor	1	0	0	0	1	0.0%	-29.2%
Infectious Disease	0	0	0	0	0	NC	150.0%
Personal Protection Order Juvenile	6	6	10	15	14	133.3%	53.3%
Total	2,281	2,334	2,250	2,191	2,146	-5.9%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Dickinson	State
Dickinson							
Supervised Estates	0	0	2	3	0	NC	-71.7%
Unsupervised Estates	55	50	64	33	55	0.0%	7.7%
Small Estates/Assignment of Property	4	26	11	16	15	275.0%	-9.8%
Trusts	0	1	0	1	2	NA	20.1%
Guardians	21	17	22	24	32	52.4%	-10.1%
Conservators	7	6	7	9	13	85.7%	-27.3%
Civil Actions	0	0	0	0	0	NC	20.9%
Admissions and Commitments	29	35	38	21	30	3.4%	-6.0%
Miscellaneous	3	5	6	4	2	-33.3%	-17.7%
Total	119	140	150	111	149	25.2%	-8.5%

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Iron	State
Iron							
Supervised Estates	0	0	0	0	1	NA	-71.7%
Unsupervised Estates	29	33	24	33	26	-10.3%	7.7%
Small Estates/Assignment of Property	26	27	25	27	16	-38.5%	-9.8%
Trusts	2	0	0	1	1	-50.0%	20.1%
Guardians	36	28	24	30	14	-61.1%	-10.1%
Conservators	11	2	11	8	7	-36.4%	-27.3%
Civil Actions	0	0	1	0	2	NA	20.9%
Admissions and Commitments	14	21	6	14	28	100.0%	-6.0%
Miscellaneous	1	4	5	1	1	0.0%	-17.7%
Total	119	115	96	114	96	-19.3%	-8.5%

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						Menominee	State
Menominee							
Supervised Estates	1	2	5	3	1	0.0%	-71.7%
Unsupervised Estates	53	49	51	46	44	-17.0%	7.7%
Small Estates/Assignment of Property	35	31	29	33	22	-37.1%	-9.8%
Trusts	2	2	3	2	1	-50.0%	20.1%
Guardians	34	34	32	25	23	-32.4%	-10.1%
Conservators	14	13	16	7	11	-21.4%	-27.3%
Civil Actions	2	0	3	1	1	-50.0%	20.9%
Admissions and Commitments	25	30	27	30	26	4.0%	-6.0%
Miscellaneous	31	48	3	1	4	-87.1%	-17.7%
Total	197	209	169	148	133	-32.5%	-8.5%

RESOURCE FACTORS:

Staffing: The courts have minimal staffing and it is believed that the current staff is organized as efficiently as possible. The services of law clerks or attorney referees/magistrates are not available to the courts. The funding units are not willing to fund such positions. For example, a 2002 Management Assistance Report for the Iron County Friend of the Court Office contained a recommendation the court seek to hire additional staff. At that time the office had ten percent fewer employees than offices of comparable size and the director spends a majority of her time doing casework and clerical tasks. Staffing for this office has not increased.

Assignments: The judges within the three counties are cross-assigned to provide blanket docket coverage. The circuit and probate judges in Dickinson and Menominee counties have entered into family court plans in which the probate judges hear all juvenile cases, domestic cases with minor children, personal protection orders when the respondent is a juvenile, and personal protection orders when the parties have a child in common. The circuit judges hear all other domestic cases. In Iron County, the probate judge is assigned all family division matters. Under a concurrent jurisdiction plan, effective September 1, 2005, the circuit judges will hear civil jury trials and the district judge will conduct preliminary examinations in Iron County.

Facilities: The courthouses in all three counties were originally built in the 1800s and have been renovated over time. All buildings also house county offices, and space allocated to the courts has been maximized. Each courthouse has a circuit courtroom and a smaller district courtroom. In Dickinson County, the law library was converted into a small courtroom. In Menominee County, the probate judge holds many of his hearings in his chambers.

Technological resources: Staff and judges all have computers, utilize the JIS case management system, and have access to the internet. Just recently the circuit court purchased a projection system for use during trials. The 95B District Court has the ability to conduct video arraignments between the district court courtroom and the county jail. All judges have access to WestLaw.

ENVIRONMENTAL FACTORS:

Demographics: Dickinson, Menominee, and Iron counties have remained relatively stable in terms of population. From 1990 to 2000, the population in Dickinson, Iron, and Menominee counties increased by 1.6 percent, from 64,926 to 65,936. From 2000 to 2004, the estimated population of these three counties decreased by 1.3 percent, to 65,106. While Menominee County's population has declined, the adjoining Wisconsin Cities of Marinette and Niagara are experiencing moderate growth. Iron County has a larger number of older citizens compared to other counties in the Upper Peninsula.

Dickinson and Menominee counties appear to be growing in business activity, infrastructure, and industry. The economy of Dickinson County is diverse and healthy. Although the industrial base in Menominee County has eroded in the last several years, the industrial base in Marinette City, Wisconsin, has expanded dramatically. Similarly, the local Michigan economic base is stable; but just across the border, the economic base is growing. Unemployment and poverty rates are moderate.

Local legal culture: All three counties contract annually with criminal defense attorneys. This contract arrangement has dramatically reduced the number of contested criminal matters. Due to other issues with this arrangement, the judges will be reviewing and possibly modifying or eliminating it.

Judicial philosophy: All judges have a judicial philosophy of affording all litigants as much time as their case requires to be heard fairly and fully. From a historical perspective, there appear to be fewer jury trials due to changes in the civil tort law and fewer criminal jury trials due to the criminal defense contract system, which is under review.

CONCLUSION:

We recommend the reduction through attrition of one judgeship for the 41st Circuit Court. The adjusted weighted caseload results show an excess of judges, case filings in circuit court are declining, and the population is stable in all three counties.

49th Circuit Court – Mecosta and Osceola Counties
Probate District 18 – Mecosta and Osceola Counties

SUMMARY AND RECOMMENDATIONS:

We recommend an additional circuit judge for the 49th Circuit Court.

In 2003, the SCAO recommended an increase of one judgeship for the 77th District Court of Mecosta and Osceola counties. This recommendation was not enacted. At the time, the judicial need was greater in the circuit and probate courts, compared to the district court of these counties, but the recommendation was made in deference to the wishes of the local trial court judges. All the trial judges agree that an additional judge is needed in the circuit court. Since this recommendation, the caseload, population, and assignment of visiting judges to the courts in these counties have continued to increase. The need, however, continues to be greater in the circuit and probate courts. Therefore, the recommendation is to add a circuit judge, where the need is the greatest.

From 1990 to 2000, the population of Mecosta and Osceola counties increased by 11.0 percent, from 57,454 to 63,750. The estimated population increased another 3.9 percent between 2000 and 2004, to 66,236.

The 49th Circuit Court is currently served by one circuit judge, and Probate District 18 is served by one probate judge. The statistical need in these courts is for 4.90 judges.

The following table provides additional information on the workload estimates for all courts within the 49th Circuit.

Judicial Workload Estimates for all Courts Within the 49th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D77 – Mecosta and Osceola	1.80	1.00	+0.80
C49 and Probate District 18 – Mecosta County	1.82		
C49 and Probate District 18 – Osceola County	1.29		
C49 and Probate District 18	3.11	2.00	+1.11
Total Judicial Resources	4.90	3.00	+1.90

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

From 2000 to 2004, new case filings in the 49th Circuit Court decreased by 16.8 percent. Statewide new filings decreased by 5.3 percent. In Probate District 18, overall case filings decreased by 12.8 percent. Statewide, probate courts received 8.5 percent fewer new filings.

Appeals, divorce with children, paternity, UIFSA, support, other domestic, domestic personal protection orders, general civil, nonauto damage suits, noncapital criminal, juvenile delinquency/designated, juvenile traffic, adoption, and name change cases decreased between 2000 and 2004. Conversely, divorce without children, other civil, nondomestic personal protection orders, auto negligence, capital criminal, and child protective case filings increased.

From 2000 to 2004, capital criminal cases doubled, from eleven in 2000 to 22 in 2004. Capital cases require significant judicial involvement and use of judicial resources, and these factors are taken into account in the adjusted weighted caseload formula. The court expects increases in felony cases due to a significant rise in recent months of criminal charges relating to methamphetamine labs.

In Probate District 18, judicial admissions and mental commitments were the only case types to increase between 2000 and 2004. Overall case filings in the 77th District Court have remained relatively stable, at an average of 16,892 cases per year, while statewide case filings decreased by 6.9 percent.

The following tables give a more complete description of caseload trends in the 49th Circuit Court and related probate courts.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C49	State
Criminal Appeals	16	8	5	6	5	-68.8%	-15.1%
Civil Appeals	3	2	5	7	3	0.0%	11.4%
Agency Appeals	18	25	16	11	8	-55.6%	-45.3%
Other Appeals	10	2	4	1	5	-50.0%	-18.3%
Divorce Without Children	145	140	133	166	164	13.1%	-7.8%
Divorce With Children	198	189	176	132	90	-54.5%	-14.6%
Paternity	118	129	94	49	41	-65.3%	-20.4%
UIFSA	25	31	35	7	12	-52.0%	0.8%
Support	125	140	162	89	67	-46.4%	22.6%
Other Domestic	20	19	31	16	13	-35.0%	-5.5%
Other Civil	8	10	7	16	9	12.5%	-35.8%
Personal Protection Order Stalking	23	45	70	60	66	187.0%	-0.8%
Personal Protection Order Domestic	115	112	141	84	82	-28.7%	-12.6%
General Civil	118	125	125	112	112	-5.1%	21.5%
Auto Negligence	22	38	58	35	39	77.3%	0.6%
Nonauto Damage Suits	28	18	27	11	16	-42.9%	-24.9%
Criminal Capital	11	20	24	19	22	100.0%	-3.0%
Criminal Noncapital	336	295	318	301	332	-1.2%	11.3%
Juvenile Delinquency and Designated	465	452	434	479	364	-21.7%	-8.0%
Juvenile Traffic	6	4	1	0	0	-100.0%	-22.8%
Child Protective	44	71	116	125	94	113.6%	-13.5%
Adoption Related	62	26	49	45	51	-17.7%	-6.2%
Name Change	6	19	0	0	0	-100.0%	-11.9%
Waiver of Parental Consent	0	0	0	0	0	0.0%	-8.6%
Emancipation of Minor	0	2	0	0	1	0.0%	-29.2%
Infectious Disease	0	0	0	0	0	0.0%	150.0%
Personal Protection Order Juvenile	0	1	0	2	4	NA	53.3%
Total	1,922	1,923	2,031	1,773	1,600	-16.8%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						PD18	State
Supervised Estates	9	16	12	17	8	-11.1%	-71.7%
Unsupervised Estates	91	91	104	91	64	-29.7%	7.7%
Small Estates/Assignment of Property	54	77	46	55	52	-3.7%	-9.8%
Trusts	2	1	1	5	2	0.0%	20.1%
Guardians	109	97	113	115	98	-10.1%	-10.1%
Conservators	51	42	52	52	38	-25.5%	-27.3%
Civil Actions	0	0	0	0	0	0.0%	20.9%
Admissions and Commitments	39	44	52	61	47	20.5%	-6.0%
Miscellaneous	3	1	0	1	3	0.0%	-17.7%
Total	358	369	380	397	312	-12.8%	-8.5%

District Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						D77	State
Felony	525	365	404	433	487	-7.2%	14.3%
Nontraffic Misdemeanor	2,182	2,141	2,420	2,369	2,104	-3.6%	-15.5%
Nontraffic Civil Infraction	121	101	63	110	233	92.6%	150.2%
Traffic Civil Infraction	8,337	9,077	9,361	8,747	9,334	12.0%	-8.6%
Traffic Misdemeanor	2,070	1,913	1,734	1,515	1,124	-45.7%	-35.0%
OUIL	584	428	443	430	420	-28.1%	-11.9%
Civil	2,830	3,048	2,945	3,002	3,059	8.1%	24.7%
Total	16,649	17,073	17,370	16,606	16,761	0.7%	-6.9%

RESOURCE FACTORS:

In Mecosta and Osceola counties, the 49th Circuit Court has 24.5 full-time equivalent court employees, including four circuit court employees, 6.5 juvenile employees, and 14 Friend of the Court employees. Probate District 18 has four full-time equivalent employees for both counties.

Mecosta and Osceola counties share one full-time attorney referee for the Friend of the Court and a nonattorney referee for the juvenile division. The 49th Circuit Court has made extensive use of assigned visiting judges to handle the current caseload.

Matters taken under advisement for more than four months by the circuit court judge and cases on the Speedy Trial Report have been consistently high since 2000, indicating a need for more judicial resources.

ENVIRONMENTAL FACTORS:

From 1990 to 2000, the population of Mecosta and Osceola counties increased by 11.0 percent, from 57,454 to 63,750. The estimated population increased another 3.9 percent between 2000 and 2004, to 66,236.

The population of the circuit is expected to increase due to the presence of Ferris State University and an increase in retirees moving to the circuit. Big Rapids, the county seat of Mecosta County, is the home of Ferris State University, whose enrollment is at its highest level and continuing to increase. Canadian Lakes is a retirement community in Mecosta County that is drawing more and more permanent residents. Probate, criminal, and landlord-tenant cases are expected to increase as a result of these populations.

The judicial resource of one district judge for both counties in the 77th District Court is also fewer than needed based on the adjusted weighted caseload results for district courts. The extent of this judicial need was not sufficient to justify including this court in the extended analysis, but is worth noting in this analysis of the circuit and probate courts in the same counties. The judicial need in the 77th District Court is 0.80.

CONCLUSION:

We recommend an additional circuit judge for the 49th Circuit Court.

55th Circuit Court – Clare and Gladwin Counties
Probate District 17 – Clare and Gladwin Counties

SUMMARY AND RECOMMENDATIONS:

We recommend an additional circuit judgeship for the 55th Circuit Court.

In 2003, the SCAO recommended an increase of one judgeship for the 55th Circuit Court. This recommendation was not enacted. The current caseload, which has remained consistently high since 1997, the growth in population, and the judicial need in all the trial courts in Clare and Gladwin counties warrant the creation of an additional judgeship for this circuit.

From 1990 to 2000, the population of Clare and Gladwin counties increased by 22.3 percent, from 46,848 to 57,275. The estimated population increased another 3.0 percent between 2000 and 2004, to 59,010.

The 55th Circuit Court is currently served by one circuit court judge. Probate District 17 is also served by one judge.

The following table provides additional information on the workload estimates for all courts within the 55th Circuit.

Judicial Workload Estimates for all Courts Within the 55th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D80 – Clare and Gladwin	1.91	1.00	+0.80
C55 and Probate District 17 – Clare County	1.87		
C55 and Probate District 17 – Gladwin County	1.51		
C55 and Probate District 17	3.38	2.00	+1.38
Total Judicial Resources	5.29	3.00	+2.29

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

From 2000 to 2004, the 55th Circuit Court experienced an overall decrease of 1.8 percent in cases filed, while statewide the decrease was 5.3 percent. During that same time period, total new filings in probate court decreased by 17.5 percent, while statewide the decrease was 8.5 percent. The total court caseload in the two counties, which is high for the number of judges, has remained above 2,300 since 1997.

Criminal capital case filings increased by 162.5 percent between 2000 and 2004. Statewide, there was a 3.0 percent decrease. Clare County's capital cases increased from 22 in 2000 to 25 in 2004. Gladwin County's capital cases increased from two in 2000 to 38 in 2004. Capital cases

require significant judicial involvement and use of judicial resources, both of which were included in the adjusted weighted caseload formula.

General civil cases for the circuit court increased between 2000 and 2004, by 12.2 percent; Clare County's increase was three percent, while Gladwin County's was 32 percent.

Divorce without children, paternity, UIFSA, support, other domestic relations, general civil, juvenile delinquency/designated, and child protective cases also increased during this time period.

The following tables give a more complete description of caseload trends in the 55th Circuit Court and Probate District 17.

Circuit Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						C55	State
Criminal Appeals	2	0	1	2	0	-100.0%	-15.1%
Civil Appeals	3	3	1	4	0	-100.0%	11.4%
Agency Appeals	37	13	26	14	22	-40.5%	-45.3%
Other Appeals	2	3	1	0	4	100.0%	-18.3%
Divorce Without Children	170	178	165	162	187	10.0%	-7.8%
Divorce With Children	192	188	186	177	179	-6.8%	-14.6%
Paternity	40	56	49	41	55	37.5%	-20.4%
UIFSA	21	28	27	27	23	9.5%	0.8%
Support	75	131	102	94	99	32.0%	22.6%
Other Domestic	16	25	21	14	24	50.0%	-5.5%
Other Civil	10	8	14	3	7	-30.0%	-35.8%
Personal Protection Order Stalking	135	154	148	97	77	-43.0%	-0.8%
Personal Protection Order Domestic	260	247	249	217	201	-22.7%	-12.6%
General Civil	115	130	143	120	129	12.2%	21.5%
Auto Negligence	40	43	50	45	37	-7.5%	0.6%
Nonauto Damage Suits	30	22	19	19	22	-26.7%	-24.9%
Criminal Capital	24	18	17	28	63	162.5%	-3.0%
Criminal Noncapital	338	312	318	340	315	-6.8%	11.3%
Juvenile Delinquency and Designated	542	607	672	651	557	2.8%	-8.0%
Juvenile Traffic	10	5	0	0	0	-100.0%	-22.8%
Child Protective	54	77	73	72	90	66.7%	-13.5%
Adoption Related	34	29	36	21	27	-20.6%	-6.2%
Name Change	19	15	7	5	3	-84.2%	-11.9%
Waiver of Parental Consent	1	0	0	0	1	0.0%	-8.6%
Emancipation of Minor	0	2	0	0	0	NA	-29.2%
Infectious Disease	0	0	0	0	1	NA	150.0%
Personal Protection Order Juvenile	4	11	17	3	11	NA	53.3%
Total	2,174	2,305	2,342	2,156	2,134	-1.8%	-5.3%

The number of Child Protective cases is based on the number of children associated with new filings of child protective cases. Assist with Discovery and UIFSA Establishment cases were moved from the UIFSA category to the Other Domestic Category in 2002.

Probate Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						PD17	State
Supervised Estates	10	2	6	3	0	-100.0%	-71.7%
Unsupervised Estates	150	149	154	130	120	-20.0%	7.7%
Small Estates/Assignment of Property	71	59	51	42	59	-16.9%	-9.8%
Trusts	4	2	1	3	0	-100.0%	20.1%
Guardians	82	88	73	61	50	-39.0%	-10.1%
Conservators	31	43	30	24	31	0.0%	-27.3%
Civil Actions	0	4	2	4	1	NA	20.9%
Admissions and Commitments	21	21	42	33	42	100.0%	-6.0%
Miscellaneous	2	5	3	5	3	50.0%	-17.7%
Total	371	373	362	305	306	-17.5%	-8.5%

RESOURCE FACTORS:

The 55th Circuit Court has 19 full-time equivalent court employees, including 1.5 circuit court employees, 6.5 juvenile employees, and eleven Friend of the Court employees. Probate District 17 has one full-time equivalent employee in each county. The circuit and probate courts share one court administrator. The 80th District Court has 17 court employees, 8.5 per county. Clare County and Gladwin County each have a part-time friend of the court/attorney referee.

Matters taken under advisement for more than four months by the circuit court judge have been consistently high since 2000; indicating a need for more judicial resources.

ENVIRONMENTAL FACTORS:

From 1990 to 2000, the population of Clare and Gladwin counties increased by 22.3 percent, from 46,848 to 57,275. The estimated population increased another 3.0 percent between 2000 and 2004, to 59,010. Of the 83 Michigan counties, Gladwin is ranked 19th and Clare is ranked 49th for population growth in the state.

The judicial resources of only one district judge for both Clare and Gladwin counties are also substantially less than needed. The estimated judicial need in the 80th District Court is 1.91.

CONCLUSION:

We recommend an additional circuit judgeship for the 55th Circuit Court.

The current caseload, which has remained consistently high since 1997, the growth in population, and the judicial need in all the trial courts in Clare and Gladwin counties warrant the creation of an additional judgeship for this circuit.

8th District Court – Kalamazoo County

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 8th District Court at this time.

The statistical analysis shows an excess of 1.64 judges in the 8th District Court. In 2003, the excess was 1.87 judges and a recommendation was made to eliminate one judgeship by attrition. This recommendation was not enacted. Since 2000, the caseload and statistical need for judges have continued to increase. These trends are supported by the continued increase in the population. As a result, we recommend no change in judgeships at this time.

Between 1990 and 2000, the population of Kalamazoo County increased by 6.8 percent, from 223,411 to 238,603. The estimated population increased to 240,724 in 2004, an increase of 0.9 percent from 2000.

Currently the 8th District Court is served by seven judges. Kalamazoo County also has a total of eight circuit and probate judges.

The following table provides additional information on the workload estimates for all courts within the 8th District Court and all courts within the 9th Circuit.

Judicial Workload Estimates for all Courts Within the 9th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D08 – Kalamazoo County	5.36	7.00	-1.64
C09 and Kalamazoo County Probate	8.17	8.00	+0.17
Total Judicial Resources	13.54	15.00	-1.46

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

Total case filings in the 8th District Court increased by 18.2 percent between 2000 and 2004, while statewide the total case filings decreased by 6.9 percent. The largest percentage increase occurred in nontraffic civil infractions, which increased by 109.0 percent. Statewide these cases increased by 150.2 percent. Felony cases increased by 30.0 percent, nontraffic misdemeanor cases increased by 5.6 percent, traffic civil infractions increased by 28.3 percent, and civil cases increased by 23.8 percent. Traffic misdemeanor and OUIL were the only case groups to decrease, by 21.8 percent and 9.9 percent, respectively.

The following tables give a more complete description of caseload trends in the 8th District Court.

District Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						D08	State
Felony	1,667	1,823	1,868	1,842	2,167	30.0%	14.3%
Nontraffic Misdemeanor	8,180	9,619	9,706	8,484	8,636	5.6%	-15.5%
Nontraffic Civil Infraction	277	444	461	425	579	109.0%	150.2%
Traffic Civil Infraction	35,565	32,094	32,505	42,025	45,632	28.3%	-8.6%
Traffic Misdemeanor	8,412	8,534	8,963	7,928	6,575	-21.8%	-35.0%
OUIL	1,293	1,173	1,283	1,196	1,165	-9.9%	-11.9%
Civil	12,804	15,358	17,190	17,396	15,854	23.8%	24.7%
Total	68,198	69,045	71,976	79,296	80,608	18.2%	-6.9%

After a low of 68,198 total filings in 2000, case filings have steadily increased. There has been a significant increase in felony filings (30.0 percent), a factor which affects judge time particularly. An increase in methamphetamine felony cases has been dramatic—from 49 filings in 2000 to 400 in 2004.

A chronic jail overcrowding situation in Kalamazoo County has significantly affected the way criminal cases are processed. Consequently, the use of judicial resources for probation violation hearings, show cause hearings, and bond review hearings have increased. There are 5,075 outstanding bench warrants. As with many counties in urban areas, the 8th District Court sees a large number of pro se litigants. The County Bar Legal Assistance Office has a site at the court to assist with civil cases. This leads to more appearances, more contested cases, and consequently more time spent on cases by judges.

The 8th District Court has made effective caseload management a priority and generally disposes cases effectively. In 2004, the overall clearance rate for the 8th District Court was 103.0 percent. Statewide, the clearance rate for district courts was 100.7 percent. Both rates exclude parking cases.

RESOURCE FACTORS:

There are no paid law clerks in the 8th District Court. The court is staffed by one full-time and one part-time attorney magistrate who handle traffic cases, search warrants, small claims, and informal hearings. The court's seven judges are assigned to three facilities: in downtown Kalamazoo, at the Crosstown Center, and in Portage. A countywide millage vote to consolidate court facilities failed in 2002, which would have afforded the opportunity for more efficient allocation and management of judicial and administrative resources. Without question, the 8th District Court processes would be more efficient if the entire court were housed in one building. When the district court consolidation agreement was brokered in 1998, a commitment was made to maintain a court facility in Portage to serve residents of southern Kalamazoo County.

Legislation has been introduced to consolidate election districts to reflect the jurisdiction of the court itself. Kalamazoo County passage of this legislation (which is supported by the bench) would complete the consolidation of the former 9-1, 9-2, and 8th District Courts. Staff resources have been reduced by six and a half full-time employees due to funding unit budget pressures during the last two years. One full-time magistrate has been reduced to half-time, which also has increased judicial time. There is a high level of automation in the district court, which uses the State Judicial Information System (JIS) for case processing.

ENVIRONMENTAL FACTORS:

The 8th District Court covers Kalamazoo County. It is divided into three divisions. Between 1990 and 2000, the population of the jurisdictions served by the 8th District Court increased by 6.8 percent, from 223,411 to 238,603. It is estimated that the population of the county increased another 0.9 percent from 2000 to 2004.

There is not a backlog of cases here, as evidenced by a review of the speedy trial reports and statement of matters undecided. The court generally moves cases according to caseload management guidelines. An active “cold case” processing team, operated by the police and prosecutor, contributes to some lengthy preliminary exams. Contested landlord/tenant cases have increased and pro-se litigants are prominent. The chief judge in particular and the court as a whole work regularly with the sheriff, prosecutor, and county board on “system” issues such as jail crowding, drug court, alternatives to incarceration, as well as court improvement initiatives.

The local legal culture includes a tough plea bargaining stance by large prosecutorial staff, active judicial involvement in case management, and an effective defense bar.

The district court judges are cross-assigned to provide docket coverage. Additionally, they routinely assist neighboring courts on assignment. The judges are also engaged in significant court improvement efforts, including an integrated information system development, alternatives to jail programming, and assisting with the 9th Circuit Court’s drug court.

CONCLUSION:

We recommend no change in judgeships for the 8th District Court at this time.

The statistical analysis shows an excess of 1.64 judges in the 8th District Court. In 2003, the excess was 1.87 and a recommendation was made to reduce the court by one judge. This recommendation did not result in a reduction. Since 2000, the caseload and statistical need for judges have continued to increase. These trends are supported by the continued increase in the population. As a result, we recommend no change in judgeships at this time.

36th District Court – Wayne County

SUMMARY AND RECOMMENDATIONS:

Although statistics indicate the need for 1.64 additional judges, we do not recommend an additional judgeship for the 36th District Court at this time due to financial and facility constraints, a decreasing caseload, and a decreasing population.

The court and its funding unit are currently operating in a financial crisis mode, including police layoffs and twice per month court closures. Incurring the expenditures required to accommodate a new judgeship (building a new courtroom and hiring additional support staff) would exacerbate the situation. Given the reduction in caseload between 2000 and 2004, the current bench can maintain the docket. Any processing backlogs that continue to occur in this court are due to staff shortages, lack of technological efficiencies, and a recent reduction in court hours. The addition of a judgeship would not rectify the situation.

The following table provides additional information on the workload estimates for the 36th District Court.

Judicial Workload Estimates			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D36	32.64	31.00	+1.64

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

Case filings in the 36th District Court decreased by 38.0 percent between 2000 and 2004, while statewide case filings decreased by 6.9 percent. Traffic civil infractions fluctuated between 2000 and 2004, with a 63.2 percent reduction from 2000 to 2004. Statewide these filings decreased by 8.6 percent. Traffic misdemeanor also decreased, by 14.6 percent, a smaller reduction than that experienced by the state (35.0 percent).

The following tables give a more complete description of caseload trends in the 36th District Court.

District Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						D36	State
Felony	13,105	13,570	12,039	10,623	10,336	-21.1%	14.3%
Nontraffic Misdemeanor	58,090	87,146	71,829	101,755	36,888	-36.5%	-15.5%
Nontraffic Civil Infraction	502	289	107	6,356	557	11.0%	150.2%
Traffic Civil Infraction	213,626	231,283	79,046	112,451	78,721	-63.2%	-8.6%
Traffic Misdemeanor	46,650	53,166	46,961	89,640	39,854	-14.6%	-35.0%
OUIL	1,848	1,987	2,164	3,923	2,086	12.9%	-11.9%
Civil	75,004	79,991	91,209	98,067	85,141	13.5%	24.7%
Total	408,825	467,432	303,355	422,815	253,583	-38.0%	-6.9%

RESOURCE FACTORS:

The 36th District Court is permitted by statute to engage the services of six full-time attorney magistrates who conduct arraignments, informal civil infraction hearings, and small claims hearings. However, due to severe budget cuts and a decline in traffic civil infraction filings, one magistrate position remains vacant at this time.

A number of case processing positions also remain vacant and the court has reduced its hours by ten percent. These factors are likely to create a backlog of pending cases and, on average, longer time periods between filing and disposition. Funds need to be expended on sufficient staffing levels and technological advances to support more efficient and expedient processing of case files.

The court implemented programs to attempt to expedite the adjudication of cases, including the establishment of night arraignments, a preliminary examination docket, a commercial vehicles docket, and video arraignments. Blight tickets and parking tickets were transferred to city-based violations bureaus.

The 31 judges can maintain the currently decreasing docket. Judges from this court rarely hear cases in other courts on assignment, except the one district judge who conducts preliminary examinations and hears commercial vehicle cases in the 3rd Circuit Court. Although he is located at the Frank Murphy Hall of Justice, this judge handles district court work that would ordinarily occur at the Madison Center.

The financial crisis under which the 36th District Court and the city of Detroit are operating would preclude the construction of another courtroom in the Madison Center or the addition of more judicial support staff. Furthermore, because there is the possibility that the court will be moving to other facilities, it would not behoove the court to expend its very limited resources on constructing a new judicial courtroom.

Magistrates in the district court have conducted video arraignments for a number of years. In 2005, the court began converting from an in-house computer system to the Judicial Information Systems' District Court computer system. The conversion, in the short run, contributed to case processing backlogs. Once the system is operating at full capacity, cases should be processed more efficiently. However, the court would benefit from the implementation of a digital scanning system to eliminate the need to handle court files.

ENVIRONMENTAL FACTORS:

The city of Detroit has had budget difficulties for some time. The 36th District Court must not only operate with substantially less money in its budget than in previous years, but also with fewer resources as a result of the freezing of vacancies and the closing of the court every other Friday, a de facto ten percent reduction in staff.

Compounding those cuts is the clientele the court serves. A substantial portion of the Detroit residents who appear in court qualify for court-appointed publicly funded attorneys or they appear in pro per. Many never pay the fines and costs owed. Many drain judicial resources through repeated appearances in court for unpaid rent, uncorrected environmental violations, probation violations, controlled substance abuse, domestic violence, and unpaid consumer debt.

In addition, the majority of felonies committed in Wayne County occur within the city limits, requiring the assignment of judges to hear preliminary examinations in numbers much greater than any nonurban court.

Between 2000 and 2005, the population of the city of Detroit decreased by 6.2 percent, from 951,270 to 892,034, and is expected to continue decreasing.

CONCLUSION

Although statistics indicate the need for 1.64 additional judges, we do not recommend an additional judgeship for the 36th District Court at this time due to financial and facility constraints and a decreasing caseload.

50th District Court – Oakland County

SUMMARY AND RECOMMENDATIONS:

Although statistics indicate an excess of 1.05 judges, we recommend no change in judgeships for the 50th District Court at this time due to modest increases in population and fluctuating case filing trends.

The 50th District Court covers the city of Pontiac, the central urban area of Oakland County. The estimated population of Pontiac increased by 1.1 percent between 2000 and 2005, from 67,506 to 68,225.

Felony, civil, and traffic filings increased between 2000 and 2004. Overall case filings increased by 9.8 percent, while statewide case filings decreased by 6.9 percent.

The following table provides additional information on the workload estimates for the 50th District Court and all courts within the 6th Circuit.

Judicial Workload Estimates for all Courts Within the 6th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D50	2.95	4.00	-1.05
Other District Courts – Oakland County	24.35	29.00	-4.65
Total District Courts – Oakland County	27.30	33.00	-5.70
C06 and Oakland County Probate Court	26.17	23.00	+3.17
Total Judicial Resources	53.47	56.00	-2.53

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

Case filings in the 50th District Court increased by 9.8 percent between 2000 and 2004, while statewide case filings in district court decreased by 6.9 percent. The largest percentage change occurred in nontraffic misdemeanors, which decreased by 38.3 percent. Traffic civil infractions increased by 22.6 percent, and civil cases increased by 20.1 percent.

The following table gives a more complete description of caseload trends in the 50th District Court.

District Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						D50	State
Felony	1,231	1,108	1,395	1,194	1,414	14.9%	14.3%
Nontraffic Misdemeanor	4,731	4,052	3,635	2,781	2,918	-38.3%	-15.5%
Nontraffic Civil Infraction	252	214	116	121	240	-4.8%	150.2%
Traffic Civil Infraction	10,860	14,536	11,680	10,773	13,315	22.6%	-8.6%
Traffic Misdemeanor	2,881	3,793	4,043	4,663	3,380	17.3%	-35.0%
OUIL	291	391	426	365	263	-9.6%	-11.9%
Civil	6,702	8,015	7,895	8,828	8,051	20.1%	24.7%
Total	26,948	32,109	29,190	28,725	29,581	9.8%	-6.9%

RESOURCE FACTORS:

The 50th District Court has never employed magistrates. The judges have always been responsible for conducting all proceedings themselves. Although the judge-specific nontraffic misdemeanor filings have declined by 38 percent, traffic misdemeanors have increased by 17 percent. Likewise, traffic civil infractions have increased by 23 percent. The city of Pontiac is not likely to fund a magistrate position, leaving the judges to conduct all traffic proceedings.

On occasion, the judges must preside over cases in other courts due to judicial disqualification. The reverse is true when the 50th District Court judges disqualify themselves. In general, the visiting judge assignments coming into and going out of the 50th District Court are in balance.

The court's facilities in comparison to other courts are adequate. The courthouse is centralized and does not adversely affect the number of judges required. However, serious security concerns exist and the building is not conducive to the efficient handling of prisoners.

Within the past year, this court has converted from the QuadTran automated case management system to the Judicial Information System case management system. While the court will enjoy financial and systemic benefits from this conversion, it will not impact the number of judges required to adjudicate the cases filed in this court.

The court would, however, benefit greatly from the installation of video arraignments. Although the county has been installing video systems in all of its courts, physical obstacles have delayed the installation of such equipment in Pontiac. Implementing video arraignments would improve court security and make it easier for the court to absorb the loss of a judgeship.

ENVIRONMENTAL FACTORS:

Pontiac, the county seat, hosts county governmental complexes, sporting and entertainment arenas, and shopping malls, along with low-income neighborhoods. As with other urban communities, the percentage of felony filings continues to increase, as does the number of summary proceedings filings brought for non-payment of rent. Many defendants require court appointed attorneys. Likewise, many civil litigants appear in court in pro per, which affects the amount of time required for court hearings.

Currently, there are more than sufficient judge hours available to ensure that the court's docket is current and within time guidelines. There is no evidence that the docket management practices of

any of the judges on this bench would contradict the weighted caseload judicial needs computation.

CONCLUSION:

Although statistics indicate an excess of 1.05 judges, we recommend no change in judgeships for the 50th District Court at this time due to modest increases in population and fluctuating case filing trends.

52nd District Court – Oakland County

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 52nd District Court at this time.

Between 2000 and 2005, the population of the areas served by the 52nd District Court increased by 6.4 percent. The increase in population occurred in the first three election divisions, while the fourth division experienced a net decrease in population. The first division increased by 9.9 percent, the second division increased by 6.9 percent, the third division increased by 6.6 percent, but the fourth division decreased by 6.4 percent. Caseload between 2000 and 2004 remained relatively stable, with an increase of 0.7 percent.

As a second class district court, the court occupies four separate and independently operated courthouses located in statutorily defined election districts in northern Oakland County. Although judges occasionally travel between districts to assist with cases, regular judicial travel between districts would be impractical and inefficient.

On recommendation by the SCAO, a judge was added to this district on January 1, 2001, bringing the total number of judges to 11. At that time, a different method of determining judicial need was used. This method indicated the need for 11.27 judges. An updated methodology indicates the need for only 8.58 judges, an excess of 2.42 judges compared to the current size of the bench. Given the recent addition of a judge and the increasing population, we recommend no change in judgeships at this time. We will reassess the judicial need in this court during the next two years.

The following table provides additional information on the workload estimates for the 52nd District Court and all courts within the 6th Circuit.

Judicial Workload Estimates for all Courts Within the 6th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D52	8.58	11.00	-2.42
Other District Courts – Oakland County	18.72	22.00	-3.28
Total District Courts – Oakland County	27.30	33.00	-5.70
C06 and Oakland County Probate Court	26.17	23.00	+3.17
Total Judicial Resources	53.47	56.00	-2.53

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

Case filings in the 52nd District Court remained relatively stable, with only a 0.7 percent increase between 2000 and 2004. During this same time period, filings of nontraffic civil infractions increased by 94.8 percent, with the majority of the increase occurring between 2003 and 2004.

Traffic misdemeanor cases, conversely, decreased gradually between 2000 and 2004, with a total decrease of 53.6 percent.

The following table gives a more complete description of caseload trends in the 52nd District Court.

District Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						D52	State
Felony	1,800	1,794	1,811	1,893	1,855	3.1%	14.3%
Nontraffic Misdemeanor	8,399	8,079	9,801	9,816	8,628	2.7%	-15.5%
Nontraffic Civil Infraction	405	431	461	489	789	94.8%	150.2%
Traffic Civil Infraction	96,300	97,224	102,408	101,300	104,426	8.4%	-8.6%
Traffic Misdemeanor	23,108	22,870	19,297	15,589	10,729	-53.6%	-35.0%
OUIL	2,790	3,003	2,806	2,988	3,197	14.6%	-11.9%
Civil	21,964	23,720	25,795	27,625	26,289	19.7%	24.7%
Total	154,766	157,121	162,379	159,700	155,913	0.7%	-6.9%

RESOURCE FACTORS:

The 52nd District Court employs part-time magistrates to conduct traffic civil infraction informal hearings in all four divisions. In addition to magistrates, the court provides court clerks and judicial secretaries for each judge. While the administrators would like an increase in case processing staffing levels, the current staff is able to process case files in a timely manner.

The judges of this court generally handle their own disqualification assignments internally. Occasionally, they are required to hear cases from other courts, but not often enough to affect their own dockets. It should be noted that the program under which the district judges were regularly adjudicating circuit court cases under blanket assignment has been discontinued.

Three of the four courthouses are relatively new, and all are adequate when compared with many other district courts.

All of the county courts currently use the county computer system. While adequate, it is inflexible in that the court must compete for services with other county departments. The plan to convert to a different computer system will assist the court in meeting its reporting requirements, but it will have no impact upon the number of judges needed to adjudicate cases.

ENVIRONMENTAL FACTORS:

Between 2000 and 2005, the population of the areas served by the 52nd District Court increased by 6.4 percent. The increase in population occurred in the first three election divisions, while the fourth division experienced a net decrease in population. The first division increased by 9.9 percent, the second division increased by 6.9 percent, the third division increased by 6.6 percent, but the fourth division decreased by 6.4 percent.

Oakland County is the wealthiest county in Michigan. As formerly rural areas become developed residentially and commercially, the number of civil filings increased from around 22,000 in 2000 to 26,000 in 2004. Drunk driving and nontraffic civil infractions have increased as a result of the activity associated with the local sports and concert venues.

There seem to be three contributing factors to the existence of a case processing backlog despite the excess of judges on this bench. First, there is no standard or strict policy governing adjournments. In some divisions, each traffic case, for example, is “entitled” to two adjournments, one for each party. Second, the number of hours county-funded part-time magistrates can work has been insufficient to process all of the civil infraction hearings. Third, judges do not conduct informal hearings in traffic civil infraction matters, despite their availability to do so.

There is no unifying central judicial philosophy which has any impact on court policy. The individual judges operate independently within and among the divisions.

One other environmental factor needs to be considered. Under the current system, Oakland County funds the second class 52nd District Court, while the local municipalities fund the third class district courts in the rest of the county. For political and economic reasons, some of the communities have expressed an interest in surrendering their third class courts to the county. If this were to occur, the area covered by the 52nd District Court could expand and the number of judgeships required could change.

CONCLUSION:

We recommend no change in judgeships for the 52nd District Court at this time.

Given the recent increase in judgeships for this court and an increasing population, we recommend no change, but an increased level of monitoring of the judicial need until the next biannual Judicial Resources Recommendations are released.

54A District Court – Ingham County

SUMMARY AND RECOMMENDATIONS:

Although a statistical analysis shows an excess of judges in 54A District Court, we do not recommend a reduction at this time.

The statistical analysis shows an excess of 1.17 judges in 54A District Court. Total case filings since 2000 have declined 10.2 percent, compared to 6.9 percent statewide. However, felonies and general civil cases increased by 45.0 percent and 25.3 percent, respectively. These cases utilize significant judicial resources. Other district courts in Ingham County show a judicial need of 0.96 judges. This need could be alleviated by 54A district judges on assignment. Therefore, we recommend no change in judgeships at this time.

54A District Court serves the city of Lansing. Currently the 54A District Court is served by five judges. Ingham County has four other district judges and nine circuit and probate judges.

The following table provides additional information on the workload estimates for 54A District Court and all courts within the 30th Circuit.

Judicial Workload Estimates for all Courts Within the 30th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D54A	3.83	5.00	-1.17
Other District Courts	4.96	4.00	+0.96
Total District Courts	8.80	9.00	-0.20
C30 and Ingham County Probate	9.51	9.00	+0.51
Total Judicial Resources – D54A, Other District Courts, C30, and Ingham Probate	18.31	18.00	+0.31

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

Total case filings in the 54A District Court decreased by 10.2 percent between 2000 and 2004, while statewide total case filings decreased by 6.9 percent. The largest percentage decrease occurred in nontraffic civil infractions, which decreased from 329 cases to 53 cases, a reduction of 83.9 percent. Statewide these cases increased by 150.2 percent. Nontraffic misdemeanor cases decreased by 25.0 percent, traffic misdemeanor cases decreased by 61.0 percent, and OUIL cases decreased by 43.4 percent. Conversely, felony cases increased by 45.0 percent and civil cases increased by 25.3 percent.

The following table gives a more complete description of caseload trends in the 54A District Court.

District Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						D54A	State
Felony	1,217	1,348	1,560	1,527	1,765	45.0%	14.3%
Nontraffic Misdemeanor	6,218	5,598	5,932	5,327	4,663	-25.0%	-15.5%
Nontraffic Civil Infraction	329	227	67	75	53	-83.9%	150.2%
Traffic Civil Infraction	26,862	25,040	31,738	30,210	26,043	-3.0%	-8.6%
Traffic Misdemeanor	9,097	6,958	7,277	7,021	3,549	-61.0%	-35.0%
OUIL	1,117	1,119	942	958	632	-43.4%	-11.9%
Civil	10,076	12,243	12,725	12,724	12,629	25.3%	24.7%
Total	54,916	52,533	60,241	57,842	49,334	-10.2%	-6.9%

The court's case management information system (QuadTran) does not have a "report generator" to produce management reports. The vendor must be contacted to produce reports when needed. Staff members manually audit reports prior to reporting caseload to the SCAO. As a result, the accuracy of the caseload information has a greater possibility of error. The recently appointed court administrator is working diligently to address this problem.

The court strives to meet the caseflow management time guidelines established by the Supreme Court. Each judge actively manages his/her docket. Specialty dockets include a domestic violence court and a proposed sobriety court. Recently, the city of Lansing increased enforcement of blight and nuisance ordinance violations. These case types have increased judicial activity due to frequent prejudgment and postjudgment hearings to effectuate compliance by defendants.

RESOURCE FACTORS:

The current staffing level is adequate. One attorney-magistrate handles informal hearings, small claims, and arraignments. Five court officers with law degrees assist judges in pretrials, courtroom security, and courtroom case processing support activities. Automation hardware (servers, printers, phones, recording equipment) is outdated and in need of replacement. The facility is crowded, ill-designed for efficiency, and poorly arranged for security. "In-custody" defendants are routinely brought from lock-up through public corridors to get to and from the courtroom. Having all courtrooms on the same floor would enhance efficiency, due to the high level of coverage that judges and court officers provide for each other, but space is not available in the existing facility to accomplish this. Judges cover for each other during absences and regularly serve on assignment to other courts for disqualification matters.

ENVIRONMENTAL FACTORS:

The city of Lansing's population declined from 119,128 in 2000 to 116,941 in 2004, a reduction of 1.8 percent. Forty percent of Lansing's housing is rental, compared to the statewide average of 23 percent. Crime statistics in 2002 show Lansing's crime level as being worse than the national average in every major crime category except vehicle thefts.

Jail overcrowding is routine. This results in increased judicial activity to develop and monitor alternatives to incarceration. 54A District judges have recently implemented a felony plea program in cooperation with 30th Circuit Court to expedite caseflow.

As is the case in most urban district courts, there is a high level of pro se litigants, involvement by appointed counsel, and significant pretrial activity. The local legal culture is participatory. Judges exercise control over their dockets and hold attorneys and litigants accountable. Referrals to alternative dispute resolution are increasing. The funding unit is experiencing severe budget pressures due to continued reduction in state revenue sharing and business activity diminishment, factors over which the city has little control.

CONCLUSION:

Although a statistical analysis shows an excess of judges in 54A District Court, we do not recommend a reduction at this time.

The statistical analysis shows an excess of 1.17 judges in 54A District Court. Total case filings since 2000 have declined 10.2 percent, compared to 6.9 percent statewide. However, felonies and general civil cases increased by 45.0 percent and 25.3 percent, respectively. These cases utilize significant judicial resources. Other district courts in Ingham County show a judicial need of 0.96 judges. This need could be alleviated by D54A judges on assignment. Therefore, we recommend no change in judgeships at this time.

67th District Court – Genesee County

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 67th District Court at this time.

Although the statistical analysis indicates an excess of 1.20 judges in the 67th District Court, total case filings in the court increased between 2000 and 2004 by 7.2 percent. During this same time period, statewide total case filings decreased by 6.9 percent. This trend is supported by the increase in the population of the area served by this court. The population of Genesee County, excluding the city of Flint, increased by 4.2 percent between 2000 and 2004. For these reasons, we recommend no change in judgeships for the 67th District Court at this time.

The 67th District Court has 54 full-time equivalent employees, 4.25 of whom are assigned magistrate duties. The court does not utilize visiting judges to assist with its caseload. The staff of the 67th District Court is distributed throughout seven locations (Flushing, Davison, Burton, Mt. Morris, Fenton, Grand Blanc and the Central Division in Flint). The 67th District Court also provides some assistance to the 7th Circuit Court through a concurrent jurisdiction plan. The 67th District Court has recently been reviewing its ability to offer the circuit court additional help.

The following table provides additional information on the workload estimates for the 67th District Court and all courts within the 7th Circuit.

Judicial Workload Estimates for all Courts Within the 7th Circuit

Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D67	4.80	6.00	-1.20
D68	3.63	5.00	-1.37
Total District Courts	8.43	11.00	-2.57
C07 and Genesee County Probate Court	12.73	11.00	+1.73
Total Judicial Resources	21.16	22.00	-0.84

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

In the 67th District Court, total case filings increased by 7.2 percent between 2000 and 2004, while statewide case filings in district court decreased by 6.9 percent. In the 67th District Court the only case category that showed a decrease between 2000 and 2004 was traffic misdemeanors, which decreased by 24.1 percent. Statewide, traffic misdemeanors decreased by 35.0 percent during the same time period.

Although Genesee County experienced the election of a new prosecuting attorney in January 2005, there seem to have been only minor changes in charging and plea practices, and therefore limited impact on the court.

The following table gives a more complete description of the caseload trends in the 67th District Court.

District Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						D67	State
Felony	1,179	1,275	1,439	1,426	1,452	23.2%	14.3%
Nontraffic Misdemeanor	5,763	5,785	6,685	6,758	6,868	19.2%	-15.5%
Nontraffic Civil Infraction	136	212	260	279	309	127.2%	150.2%
Traffic Civil Infraction	35,353	35,870	37,016	38,820	37,717	6.7%	-8.6%
Traffic Misdemeanor	11,615	12,111	12,938	13,134	8,810	-24.1%	-35.0%
OUIL	1,599	1,522	1,563	1,613	1,608	0.6%	-11.9%
Civil	14,464	17,182	18,511	19,609	18,406	27.3%	24.7%
Total	70,109	73,957	78,412	81,639	75,170	7.2%	-6.9%

RESOURCE FACTORS:

The 67th District Court has 54 full-time equivalent employees. Of these positions, 4.25 are assigned magistrate duties. The court does not utilize visiting judges to assist with its caseload. The staff of the 67th District Court is distributed throughout seven locations (Flushing, Davison, Burton, Mt. Morris, Fenton, Grand Blanc and the Central Division in Flint). Although the caseload increased between 2000 and 2004, staffing has been reduced by two positions over the past two years.

All hearings for felony cases and criminal/traffic jury trials are consolidated at the Central Division location and are assigned to the judges of the court on a rotating basis. Case processing for all other case types is distributed among the various divisions so as to balance caseloads.

ENVIRONMENTAL FACTORS:

The population of Genesee County, excluding the city of Flint, increased by 4.2 percent between 2000 and 2004. The southern portions of Genesee County have seen the most substantial population increases as the migration of business from Detroit to neighboring Oakland County is causing a residential population shift. As people move from metropolitan areas in northern Oakland County, southern Genesee County is experiencing the fastest new housing growth in southeast Michigan. The county's proximity to Oakland County and its more affordable housing have made it the location of choice for new homes, as evidenced by the increasing number of new housing developments.

The 67th District Court includes all of Genesee County except the city of Flint. Pursuant to statute (MCL 600.8134), the 67th District Court is divided into four divisions. Each of the judges is elected from a particular division but has jurisdiction throughout the county (excluding the city of Flint). Currently the 67th District Court is served by six judges. Two court divisions are served by two judges in each division. The remaining two divisions are served by a single judge each. Assignment into the Central Division is on a rotating basis. Traditionally, the judges serve within the division to which they are elected.

CONCLUSION:

We recommend no change in judgeships for the 67th District Court at this time.

Although the statistical analysis indicates an excess of 1.20 judges in the 67th District Court, total case filings in the court increased between 2000 and 2004, by 7.2 percent. During this same time period, statewide total case filings decreased by 6.9 percent. The population in the areas served by this court increased by 4.2 percent between 2000 and 2004. For these reasons, we recommend no change in judgeships for the 67th District Court at this time.

68th District Court – Genesee County

SUMMARY AND RECOMMENDATIONS:

We recommend a reduction through attrition of one judgeship for the 68th District Court.

The adjusted weighted caseload results indicate an excess of 1.37 judgeships in the 68th District Court. Case filings are stable, but the population has declined and is predicted to continue declining.

The 68th District Court is currently served by five judges. Case filings have remained relatively stable, with an increase of 0.7 percent between 2000 and 2004. Felony and civil cases increased by 17.7 percent and 20.2 percent, respectively. Misdemeanor and OUIL cases decreased during this time period.

The court has recently experienced reductions in staff. The city of Flint, which is the court's funding unit, has only recently regained control of its finances from a state-appointed financial manager.

Between 1990 and 2000, the population of the city of Flint decreased by 11.6 percent, to 124,943. Between 2000 and 2004, the population continued to decline, by 4.2 percent. The population is predicted to continue declining. Over 26 percent of the population is below the poverty level, which affects the number of unrepresented litigants and the types of cases filed.

The following table provides additional information on the workload estimates for the 68th District Court and all courts within the 7th Circuit.

Judicial Workload Estimates for all Courts Within the 7th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D67	4.80	6.00	-1.20
D68	3.63	5.00	-1.37
Total District Courts	8.43	11.00	-2.57
C07 and Genesee County Probate Court	12.73	11.00	+1.73
Total Judicial Resources	21.16	22.00	-0.84

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

In the 68th District Court, case filings remained relatively stable, with an increase of 0.7 percent between 2000 and 2004. During the same time period, statewide case filings in district courts decreased by 6.9 percent. Felony and civil cases increased by 17.7 percent and 20.2 percent, respectively. Misdemeanor and OUIL cases decreased during this time period.

Although Genesee County experienced the election of a new prosecuting attorney in January 2005, there seem to have been only minor changes in charging and plea practices, and therefore limited impact on the court. Staffing reductions in the office of the city attorney have had a greater impact on the court.

The following table gives a more complete description of caseload trends in the 68th District Court.

District Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						D68	State
Felony	1,502	1,531	1,463	1,681	1,768	17.7%	14.3%
Nontraffic Misdemeanor	3,942	3,853	3,397	3,292	3,202	-18.8%	-15.5%
Nontraffic Civil Infraction	4	1	0	1	3	-25.0%	150.2%
Traffic Civil Infraction	16,436	16,067	17,538	18,035	16,445	0.1%	-8.6%
Traffic Misdemeanor	7,780	7,377	8,068	7,411	6,098	-21.6%	-35.0%
OUIL	614	618	495	450	364	-40.7%	-11.9%
Civil	13,470	15,421	16,180	16,931	16,191	20.2%	24.7%
Total	43,748	44,868	47,141	47,801	44,071	0.7%	-6.9%

RESOURCE FACTORS:

The court is housed in an adequate facility that provides efficient technology. The 68th District Court has 44 full-time equivalent employees. Of these positions, one is assigned magistrate duties. The court does not utilize any paid visiting judges. The court has experienced recent reductions in staff. The city of Flint, which is the court's funding unit, has only recently regained control of its finances from a state-appointed financial manager. The city has experienced staff reductions and cutbacks in nearly all departments.

The court does assist the 7th Circuit Court with managing a very small portion of its caseload through a concurrent jurisdiction plan.

ENVIRONMENTAL FACTORS:

The city of Flint experienced a population decrease of 11.6 percent from 1990 to 2000. Between 2000 and 2004, the population continued to decline, by 4.2 percent. Future population estimates point toward a continuing population decline. Over 26 percent of the population is below the poverty level. Often, unless attorneys are appointed by the court, the litigants are unrepresented.

CONCLUSION:

We recommend a reduction through attrition of one judgeship for the 68th District Court.

Although the 68th District Court has recently seen the reduction of one judgeship, the current statistical analysis indicates the need for further reduction. The declining population supports this recommendation.

70th District Court – Saginaw County

SUMMARY AND RECOMMENDATIONS:

We recommend the reduction of one judgeship for the 70th District Court.

In 2003, the SCAO recommended the elimination by attrition of one judgeship for the 70th District Court. This recommendation was not enacted. Case filings in the 70th District Court have been declining since 1998 (29 percent from 1998 to 2004), except for a one-year increase between 2003 and 2004. The population is stagnant and the adjusted weighted caseload results indicate an excess of 2.11 judges. Because Saginaw County continues to experience a high number of serious crimes, and because some of the decrease in caseload is attributed to civil infractions not typically handled by judges, we are recommending the reduction of only one judgeship instead of two at this time.

The 70th District Court serves Saginaw County. It is divided into two election divisions: one division consists of the cities of Saginaw and Zilwaukee as well as the townships of Buena Vista, Carrollton, and Bridgeport; the other division comprises the remainder of Saginaw County.

Between 1990 and 2000, the population of Saginaw County served by the 70th District Court decreased by 0.9 percent, from 211,946 to 210,039. From 2000 to 2004, the estimated population decreased to 209,062, a 0.5 percent decrease.

Currently, the 70th District court is served by six judges. The following table provides additional information on the workload estimates for the 70th District Court and all courts within the 10th Circuit.

Judicial Workload Estimates for all Courts Within the 10th Circuit			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
D70 – Saginaw County	3.89	6.00	-2.11
C10 and Saginaw County Probate	6.32	7.00	-0.68
Total Judicial Resources – D70, C10, and Saginaw Probate	10.21	13.00	-2.79

Totals and differences were calculated prior to rounding.

CASE RELATED FACTORS:

Total new case filings in the 70th District Court decreased by 9.3 percent from 2000 to 2004, while statewide there was a 6.9 percent decrease.

Nontraffic misdemeanors, traffic civil infractions, and OUIL cases decreased from 2000 to 2004. These decreases were larger than the decreases for the entire state. Felony, nontraffic civil infraction, traffic misdemeanor, and civil cases increased during this same time period. Felony and civil cases increased at rates larger than the state. Nontraffic civil infraction cases increased at a rate smaller than the rest of the state. Traffic misdemeanor cases increased, while the entire state showed a downward trend.

The following table gives a more complete description of caseload trends in the 70th District Court.

District Caseload Trends

	2000	2001	2002	2003	2004	Percent Change 2000-2004	
						D70	State
Felony	1,782	1,969	2,059	2,021	2,191	23.0%	14.3%
Nontraffic Misdemeanor	4,420	4,512	3,356	3,252	2,678	-39.4%	-15.5%
Nontraffic Civil Infraction	586	184	238	691	1,392	137.5%	150.2%
Traffic Civil Infraction	29,492	26,234	24,489	21,838	21,247	-28.0%	-8.6%
Traffic Misdemeanor	10,157	8,441	8,364	7,657	10,802	6.4%	-35.0%
OUIL	1,392	1,335	1,311	1,002	1,169	-16.0%	-11.9%
Civil	8,155	9,332	10,961	11,857	11,285	38.4%	24.7%
Total	55,984	52,007	50,778	48,318	50,764	-9.3%	-6.9%

Since 1998, traffic civil infraction cases have shown the most significant decreases among the various case types handled by the district court. This is a trend seen across the state. These cases require mainly case processor resources and little use of judicial resources. Even though the largest decreases in caseload have been in the area of civil infractions, a decrease of one judgeship in Saginaw County is justified, because the excess in judicial resources is more than two judges.

RESOURCE FACTORS:

The 70th District Court has 58 full-time equivalent court employees, including 27 case processors and one magistrate. The caseload processing system is automated. The location of the court on the first and third floors of the Saginaw County Building hampers efficiency.

The court does not make extensive use of magistrates, except in the area of traffic cases. Historically, in Saginaw County, judges rather than magistrates have handled arraignments, search warrants, small claims, and nontraffic misdemeanors. The legal community and the public have come to expect that, except for civil infractions and minor traffic misdemeanors, judges will handle all of the legal proceedings of the district court in Saginaw County.

ENVIRONMENTAL FACTORS:

The 70th District Court covers Saginaw County and is divided into two divisions. Between 1990 and 2000, the population of the jurisdictions served by the 70th District Court decreased by 0.9 percent, from 211,946 to 210,039. From 2000 to 2004, the estimated population decreased to 209,062, a .50 percent decrease.

The population of the city of Saginaw is declining at a much faster rate. From 1990 to 2000, it declined by 11.1 percent, from 69,512 to 61,799, and it declined an estimated 4.4 percent between 2000 and 2004.

Saginaw County continues to experience an increase in serious crimes. The number and complexity of these cases require extensive court and judicial involvement. This is another reason for recommending the reduction of one judge instead of two.

CONCLUSION:

We recommend the reduction of one judgeship for the 70th District Court.

Case filings in the 70th District Court have been declining since 1998 (29 percent from 1998 to 2004), except for a one-year increase between 2003 and 2004. The population is stagnant and the adjusted weighted caseload results indicate an excess of 2.11 judges. Because Saginaw County continues to experience a high number of serious crimes, and because some of the decrease in caseload is attributed to civil infractions not typically handled by judges, we are recommending the reduction of only one judgeship instead of two at this time.